



Proposed Change 5 (Kaituna River) to the Bay of Plenty Regional Policy Statement

Overview report on submissions

30 August 2022

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1 Introduction

- 1.1 This report provides an overview of the key points raised in submissions and further submissions received on Proposed Change 5 (Kaituna River) (PC5) to the Bay of Plenty Regional Policy Statement (RPS). The assessment and recommendations in this report are not binding on the Bay of Plenty Regional Council (Regional Council) or the Freshwater Hearing Panel. This report was prepared without knowledge of the content of any evidence or submissions that will be made at the hearing, so it cannot be assumed that the Freshwater Hearing Panel will reach the same conclusions as those provided in this report. This report should be read in conjunction with Proposed Change 5 (Kaituna River) (PC5) to the Bay of Plenty Regional Policy Statement (RPS) section 32AA report.
- 1.2 Council staff recommendations on individual submissions and further submission points are attached in the document titled: *Proposed Change 5 (Kaituna River) Staff Recommendations on Provisions with Submissions and Further Submissions Report*. This part of the report summarises each submission point and recommends whether the submission should be accepted, accepted in part, or rejected, with reasons to justify the recommendation.
- 1.3 My name is Lucy Holden. I am employed by the Bay of Plenty Regional Council (Regional Council) as a Senior Planner.
- 1.4 I hold a Bachelor of Science in ecology from Victoria University, a Post-Graduate Diploma in Planning from Massey University, and a Master of Environmental Management also from Massey. I have ten years of professional experience as a resource management planner in NZ and the UK. I have been employed by the Regional Council since August 2017, previously as a Senior Consents Planner and now as a Senior Planner in the Environmental Policy and Planning team. I am qualified as a Resource Management Act decision maker through the Making Good Decisions certification programme run by the Ministry for the Environment.

2 Background

- 2.1 Proposed Change 5 to the Bay of Plenty Regional Policy Statement (PC5) was publicly notified on 29 June 2021. Submissions closed on 10 August 2021 with fifteen submissions received. One submission was received late; it was accepted using the provisions set out in s37 and 37A of the RMA by the Regional Policy and Planning Manager acting under delegated authority from the Council. Further submissions closed on 9 November 2021 with eight further submissions received.
- 2.2 A list of submitters is attached as Appendix 1 to this report.

3 Development of Proposed Change 5

- 3.1 PC5 is based on a requirement of the Treaty of Waitangi claim settlement legislation for Tapuika iwi. The Tapuika Claims Settlement Act 2014 (“the Settlement Act”) required the establishment of Te Maru o Kaituna River Authority (“Te Maru o Kaituna”), a co-governance partnership with representatives from iwi authorities and councils. The purpose of Te Maru o Kaituna is the restoration, protection and enhancement of the environmental, cultural and spiritual health and well-being of the Kaituna River¹. In seeking to achieve its purpose, Te Maru o Kaituna has a function to support the integrated and collaborative management of the Kaituna

¹ Section 115, Tapuika Claims Settlement Act (2014)

River². One of Te Maru o Kaituna's functions under the Settlement Act is to prepare and approve a management document for the Kaituna River. In June 2018, Te Maru o Kaituna released *Kaituna, He Taonga Tuku Iho* ("the Kaituna River Document").

- 3.2 Section 123 of the Settlement Act requires the RPS to recognise and provide for the vision, objective and desired outcomes in the Kaituna River Document to the extent that they relate to resource management issues of the region and are consistent with the purpose of the RMA.
- 3.3 Following approval of the Kaituna River Document, Draft PC5 to the RPS was prepared. A draft version of PC5 was first reported to Te Maru o Kaituna on 19 October 2018 and to the Regional Direction and Delivery Committee³ on 30 October 2018. Although the Regional Direction and Delivery Committee gave approval to proceed, Te Maru o Kaituna sought more time to develop the Kaituna Action Plan and the development of PC5 was placed on hold for some time.
- 3.4 In September 2019, Te Maru o Kaituna released *Te Tini a Tuna – Kaituna Action Plan 2019-2029* (the Kaituna Action Plan), which sets out actions to be undertaken by members of Te Maru o Kaituna to achieve the desired outcomes of the Kaituna River Document. Subsequently, Draft PC5 went through a series of internal staff workshops, and its first version, and a communication and engagement plan, were approved by Regional Council senior management in December 2019.
- 3.5 Te Maru o Kaituna appointed an independent advisor to review whether Draft PC5 appropriately provided for the Settlement Act's legislative requirements to recognise and provide for the vision, objectives and desired outcomes of the Kaituna River Document. Te Maru o Kaituna's independent advisor recommended minor changes for clarity and consistency. The Strategy and Policy Committee then approved Draft PC5 for broader community, iwi/hapū and stakeholder consultation on 11 August 2020.
- 3.6 Draft PC5 was released for informal comment on 24 August 2020, with comments from 14 parties received. Most comments generally supported Draft PC5, with matters raised and changes sought on specific provisions. Regional Council staff prepared recommendations in response to the comments received, and changes requested by Te Maru o Kaituna members and later Strategy and Policy Committee members feedback at a workshop in December 2020.
- 3.7 On 5 February 2021, staff presented the updated recommendations report to Te Maru o Kaituna, who requested additional amendments to ensure consistency and to highlight and strengthen cultural references. These amendments were endorsed at the Strategy and Policy Workshop on 23 March 2021. Regional Council formally approved PC5 for public notification on 1 April 2021.

4 Statutory framework

- 4.1 The RMA (ss61-62) provides direction on the matters Regional Council shall consider when changing an RPS. An RPS must:

Give effect to:

² Section 116(2)(c) Tapuika Claims Settlement Act (2014)

³ The Regional Direction and Delivery Committee is a disestablished BOPRC committee, set up to approve and review statutory and non-statutory policy, plans and strategies. The committee has been replaced by the Strategy and Policy Committee (from 2020).

- New Zealand Coastal Policy Statement 2010.
- National Policy Statements and National Environmental Standards:
 - National Policy Statement for Renewable Energy Generation.
 - National Policy Statement for Electricity transmission.
 - National Policy Statement for Freshwater Management 2020 (NPS-FM).

Have regard to:

- Any management plans and strategies prepared under other Acts.
- Relevant entries on the New Zealand Heritage List / Rarangi Kōrero register required by the Heritage New Zealand Pouhere Taonga Act 2014.
- Regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Māori customary fishing).
- The extent to which the RPS needs to be consistent with policy statements and regional plans of adjacent regional councils.

Take into account:

- Any relevant planning document recognised by an iwi authority and lodged with the council.
- The matters in a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011 that relate to a part of the common marine and coastal area outside the customary marine title area of the relevant group.

5 **Pre-hearing meetings**

- 5.1 No formal pre-hearing meetings have been held with submitters.

6 **Key submission issues and outcomes**

- 6.1 All submissions are generally in support of PC5, with some changes sought for clarity or to represent individual/industry interests. Key submission issues are:
- Aligning PC5 with the NPS-FM to ensure that PC5 outcomes are not inconsistent with the NPS-FM.
 - Broaden the interests and rights of iwi/hapū to include those of “Māori” and tangata whenua, the definition of which will include mana whenua. Mana whenua include whānau and the Māori land holding entities that represent them.
 - Concerns around the rights of private landowners, including clarification that the provisions will not impinge on the kaitiaki and rangatiratanga of Māori landowners along the Okere River.

- Specific provisions to recognise and provide for Te Tumu and Rangiora urban growth areas.
- Questions as to whether groundwater is within the scope of PC5.
- Increased provisions for drinking water and drinking water sources.
- Recreation is not appropriate to be included in PC5 and should be removed.
- Change “best management practice” references to “good management practice”: best is considered aspirational and is not sufficiently flexible or certain.

6.2 Paragraphs 6.3 to 6.370 of this report provide an overview of the matters raised in relation to these key issues, and a summary of the responses recommended by staff. Staff recommendations on individual submissions and further submissions in section sequence are set out in the *Proposed Change 5 (Kaituna River) Staff Recommendations on Provisions with Submissions and Further Submissions Report*.

Department of Conservation supports PC5

6.3 ***Department of Conservation (DOC)*** (submission 1-1) supports PC5 as written. DOC seeks PC5 is retained in its current form, or if amended, to achieve like effect to the notified wording. DOC have requested to be heard.

Te Maru o Kaituna River Authority supports PC5

6.4 ***Te Maru o Kaituna River Authority*** (submission 15-1) supports PC5 and considers that, if made operative as currently proposed, it will recognise and provide for the Kaituna River Document. Te Maru o Kaituna requested that any changes are carried out in consultation with Te Maru o Kaituna.

Te Arawa Lakes Trust supports PC5

6.5 ***Te Arawa Lakes Trust*** (submission 12-1) supports the adoption and implementation of the Kaituna River Document and its supporting action plan Te Tini a Tuna. Te Arawa Lakes Trust seeks to retain proposed changes to the RPS as written.

Spelling/minor errors

6.6 Two submitters, Western Bay of Plenty District Council (WBOPDC) (submission 04) and the Royal Forest and Bird Protection Society (Forest & Bird) (submission 14) highlighted various spelling/minor errors throughout the document, for example inconsistent spelling of Maketu or Maketū (submission 4-1) and minor amendment to Policy KR 3B to correct ‘complimentary’ to complementary’ (submission 14-17). These errors have been corrected.

Taheke 8C

6.7 ***The Proprietors of Taheke 8C & adjoining Blocks Incorporation (Taheke 8C)*** (submission 09) have consistently provided submissions/comments through the process of developing the Kaituna River Document in 2018, the subsequent Kaituna Action Plan in 2019, Draft PC5 in 2020 and now PC5 in 2021. Taheke 8C concerns have remained consistent throughout the process, namely their interests are not represented by the River Document, the Kaituna Action Plan. Those concerns largely remain as part of PC5.

- 6.8 Taheke 8C are kaitiaki who represent tangata whenua interests for the approximately 1,214 hectares of Māori land they manage on behalf of 1,328 shareholders. Taheke 8C are primarily concerned with ensuring their continued ability to develop their lands for the benefit of current and future generations. Issues of concern raised about PC5 include:
1. The determination of Māori terms will disadvantage Māori land trusts and incorporations.
 2. The tribal boundary of Tapuika Iwi being artificially extended to Lake Rotoiti control gates.
 3. PC5 should not impose more onerous obligations on Taheke 8C than on other landowners.
 4. Taheke 8C wants to proceed with their economic development aspirations without additional barriers.
 5. Māori land trusts being excluded from resource management decision making processes: it is not appropriate for Regional Council to exclude Māori who are not or have chosen not to be represented by iwi.
 6. Oppose any mechanisms to take its lands: Māori land should be excluded from any advocacy to establish reserves as Māori have lost enough land to reserves.
 7. Legal, health and safety concerns – do not support public access across its lands, particularly given its extensive forestry and geothermal operations. Kaituna River is a dangerous waterway where it adjoins Taheke 8C land and the Trust will not allow access across its land to enable river access.
 8. Reference to some RPS methods of implementation proposed to be linked to policies introduced as part of PC5.
- 6.9 Taheke 8C acknowledges the changes made in response to their previous comments on Draft PC5 reflecting the need to engage with tangata whenua and provide for Māori land use but considers there is still some work to do to get the balance right and avoid conflict and confusion of intent and interpretation.
- 6.10 WBOPDC (further submission FS04-1) opposes in part Taheke 8C's request to delete recreational access and activities from PC5. WBOPDC recognises and acknowledges the issues raised by Taheke 8C but opposes deleting recreational access and activities because this is an important aspect of people's relationship with the river. Protecting recreational values forms part of Objective 4 of the Kaituna River Document. This should in turn be reflected in the RPS to meet the legislative requirements to recognise and provide for the Kaituna River Document's objectives.
- 6.11 ***Eastland Generation Limited (Eastland)*** (further submission FS6-1) supports Taheke 8C's general submission points and seek that the submission is accepted. Likewise, Taheke 8C (further submission FS8-2) notes it has a partnership with Eastland to develop the geothermal taonga under its land and wished to confirm its support for Eastland's further submission. Taheke 8C's further submission states it wishes to be heard in support of matters raised in Eastland's submission as they relate to the Taheke Project.

Staff recommendation:

- 6.12 No change recommended.

- 6.13 **Taheke 8C, Eastland:** Reject. **WBOPDC:** Accept.
- 6.14 As discussed in the s32 report⁴, the Local Government Act 2002 (LGA), RMA and RPS include specific provisions that require councils to enable Māori involvement in local government decision making processes.
- 6.15 The operative RPS includes existing provisions (issue 2.6.10.5, Objective 16 and Policy IW 1B) that seek to enable the development of Māori land. These existing provisions apply equally across the region to help address Taheke 8C's concerns about enabling development of their lands, to the same extent they can be relied on by Māori landowners, iwi or hapū. The RPS also contains provisions that recognise and provide for the important role of kaitiaki to safeguard the mauri of their natural resources for the benefit of future generations, by ensuring those resources are sustainably managed.
- 6.16 The following RPS policies recognise the different roles and interests of tangata whenua in the community, such as when an individual or group may have interests as a landowner, or as a person or group with mana whenua, or as an iwi authority, or as a general member of the public:
- IW 1B Enabling development of multiple-owned Māori land.
 - IW 2B Recognising matters of significance to Māori.
 - IW 6B Encouraging tangata whenua to identify measures to avoid, remedy or mitigate adverse cultural effects.
- 6.17 Taheke 8C are concerned that the determination of Māori terms will disadvantage Māori land trusts and incorporations, and that Māori land trusts are excluded from resource management decision making processes. All persons exercising functions and powers under the RMA are required to recognise and provide for the relationship of Māori and their culture and traditions, with their ancestral lands, water, sites, waahi tapu, and other taonga as a matter of national importance. Policy IW 2B recognises that *'only tangata whenua can identify and evidentially substantiate their relationship and that of their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.'* Tangata whenua who have lived in an area for a long time can express their association with places that are special to them. These directions in the RMA and RPS are not prescriptive about which entities or groups are relevant or are to be considered and it is for tangata whenua to direct the appropriate level.
- 6.18 Statutory acknowledgements and associated processes are negotiated between iwi and central government (not regional council), and one or more statutory acknowledgements can sometimes apply to an area/river or feature. Regional Council acknowledge that tangata whenua who have no whakapapa to iwi with a statutory acknowledgement can also have strong cultural associations with these same areas/rivers of features. Statutory acknowledgements do not affect the lawful rights or interests of any person who is not a party to a deed of settlement.
- 6.19 PC5 does not include amendments to many of the methods of implementation (for example Methods 11, 12, 41, 42, 46) submitted on by Taheke8C; these methods are existing operative provisions that cannot be amended through the PC5 process but have been highlighted as they contribute to achievement of the objectives. All Māori terms used in PC5 remain as per the operative definitions in the RPS. PC5

⁴ BOPRC Section 32 Evaluation Report, Proposed Change 5 (Kaituna River) to the Bay of Plenty Regional Policy Statement, version 4.0 January 2021

introduces two new definitions, neither of which are Māori terms. Page i of the publicly notified June 2021 Version 4.0 clarifies this with the following text:

Existing operative RPS provisions from other sections of the RPS (including Iwi Resource Management, Water Quantity and Matters of National Importance) also contribute to achieving the Kaituna River objectives and those are set out in Table 10c of Part Two, along with the proposed new Kaituna River provisions.

The references in Table 10c to those provisions are shaded grey to show that they are operative provisions to which no change is proposed. As such, their contents are not the subject of Proposed Change 5 and no submissions in relation to their content will be accepted by Council.

All underlined provisions that are not shaded grey are part of Proposed Change 5 and are therefore open for submissions.

- 6.20 Recreation is an important aspect of people's relationship with the river, and protecting recreational values is consistent with Objective 4 of the Kaituna River Document.

Groundwater

- 6.21 **Tauranga City Council (TCC)** (submission 11-13, 11-14) requested clarification of the extent to which PC5 applies to groundwater. TCC has reservations about describing groundwater as being "in" the Kaituna River. The only reference to groundwater in the Kaituna River Document is the desired outcomes for Objective 5, which refer to the sustainable management of abstraction of groundwater from aquifers. This reflects a concern about maintaining sustainable water quantity, but PC5 addresses groundwater quality. TCC considers that groundwater is not a matter that must be recognised and provided for under the Tapuika Claims Settlement Act 2014.

Staff recommendation:

- 6.22 No change recommended.
- 6.23 **TCC** Reject. PC5 recognises and provides for groundwater in issue 1, Objective 41, Policy KR 4B and implicitly by Method 23I as amended. These provisions dealing with groundwater environmental flows and take limits generally align with the NPS-FM implementation process currently underway via Regional Council's Essential Freshwater Policy Programme (EFPP). They are also considered necessary to recognise and provide for the vision, objectives and desired outcomes of the Kaituna River Document, including Objectives 3 (water quality), 4 (water quantity), 5 (sustainable abstraction of groundwater, contaminant limits for water quality).
- 6.24 In the Kaituna catchment groundwater bodies are connected directly and indirectly to surface water bodies. Therefore, there needs to be an integrated and holistic approach to water quality management in the catchment.
- 6.25 Aquifers, springs, rivers, and some types of wetlands can be naturally connected to various degrees, depending on the circumstances. Rivers/streams can gain water from groundwater flowing in through the riverbed and lose water as it flows out of the riverbed to groundwater. Rivers can gain and lose water in different locations. The same part of a river can gain and lose water at different times of the year. In the Kaituna River catchment, spring flow from groundwater supports base-flow in the river. Modelling shows the majority of groundwater recharge contributes to base-

flow in the river. Wetlands can be connected to shallow aquifers. Groundwater does not generate pollution; however, it can transport soluble anthropogenic contaminants, which means that surface water and groundwater contamination issues can be linked.

- 6.26 Contaminants may reach a surface water receiving environment through groundwater directly via seepage into the water body and/or surface water run-off inputs. There may be a groundwater component that is part of the surface water run-off, via base-flow. This can be considered an indirect groundwater contaminant contribution to the surface water receiving environment.
- 6.27 The inclusion of groundwater also takes into account the Tapuika Environmental Management Plan 2014. It identifies certain land uses and activities that can have potential adverse effects on groundwater, which in turn affects health, well-being and way of life. The Ngā Pōtiki Environmental Plan 2019-2029 (which covers a portion of the Kaituna River catchment) also includes objectives and desired outcomes which seek:

To ensure that freshwater planning and allocation occurs in a manner that:

(c) affords greater priority to the natural limits of our rivers, streams and groundwater aquifers

To take an integrated and holistic approach to managing freshwater resources, particularly in relation to the linkages between:

(b) the groundwater and geothermal resource

- 6.28 The NPS-FM requirement to maintain or improve water quality applies to groundwater as well as surface water. Staff consider any sensible approach to achieve integrated and sustainable management and the protection of the mauri of water resources in the Kaituna River, must include groundwater. Therefore, the inclusion of groundwater across the cascade of PC5 provisions is considered wholly appropriate.

NPS-FM implementation

- 6.29 **Forest & Bird** (submission 14-39) broadly supports PC5 and the outcomes it is trying to achieve. While it is not the intent of PC5 to give effect to the NPS-FM, Forest & Bird considers that it should seek to implement the NPS-FM wherever possible and ensure that PC5 would not result in outcomes inconsistent with the NPS-FM.
- 6.30 Eastland (further submission FS6-2) seeks clarity on this point about what this would entail in relation to implementing the NPS-FM. Unless clarity is provided, Eastland seeks that Forest & Bird's submission is rejected. The details of Forest & Bird's relief sought are elucidated in submission points on various provisions where better alignment with the NPS-FM is recommended.

Staff recommendation:

- 6.31 No change recommended.
- 6.32 **Forest & Bird** Accept in part. **Eastland** Accept in part.

- 6.33 Staff agree PC5 should not result in outcomes inconsistent with the NPS-FM. Indeed, the following paragraph is included in Section 2.12.3 of PC5 which is wholly consistent with the NPS-FM and foreshadows this intent:

‘Te Maru o Kaituna strongly support recognising “Te Mana o te Wai - the mana of the water”, by providing for the fundamental value of water and the importance of prioritising the health and well-being of water bodies and freshwater ecosystems before providing for human health needs. In doing so the hierarchy of obligations is to the health and well-being of water bodies and freshwater ecosystems first, then the health needs of people (such as drinking water), and thirdly the ability of people and communities to provide for their social, economic, and cultural wellbeing, now and in the future.’

- 6.34 It is important to stress the primary purpose of PC5 is to fulfil Regional Council’s responsibilities under the Tapuika Claims Settlement Act 2014, which requires it recognise and provide for the vision, objectives and desired outcomes of *Kaituna He Taonga Tuku Iho – A Treasure Handed Down (the Kaituna River Document)* in the RPS. As such, PC5 is not intended to implement the NPS-FM. Regional Council has a separate overarching programme for NPS-FM implementation with separate RPS and regional plan changes scheduled to be notified in July 2024. However, care has been taken to ensure PC5 aligns and is consistent with the NPS-FM requirements. The requirement to recognise and provide for the Kaituna River Document continues to apply each time the Regional Council changes the RPS and regional plan(s).

Section 2.12.3 Kaituna River

- 6.35 AFFCO New Zealand Limited (AFFCO) (submission 6-1) opposes section 2.12.3 paragraph 6 and seeks equal recognition of the importance of the need for people and communities to provide for their social, economic and cultural wellbeing now and in the future. The existing wording does not provide adequate priority for economic wellbeing in considering the merits of undertaking activities. AFFCO recognises the importance of wellbeing of waterbodies but submits that the health and wellbeing of the people will support and elevate the wellbeing of the water bodies and therefore there needs to be recognition of how the two interact to develop and maintain a thriving community and river.
- 6.36 Eastland (further submission FS06-3) and Federated Farmers (further submission FS07-1) support AFFCO’s submission point. Federated Farmers seeks equal recognition of the importance of the need for people and communities to provide for their social, economic and cultural wellbeing now and in the future. Federated Farmers supports that the health and well-being of the people will support and elevate the well-being of water bodies. There needs to be recognition of how the two interact to develop and maintain a thriving community and river.
- 6.37 Taheke 8C (submission 9-4) notes that prioritisation of the river, public health and needs, social, economic and cultural values cannot contravene the RMA, established NPSs and caselaw.
- 6.38 Te Arawa Lakes Trust (submission 12-3) and Forest and Bird (submission 14-1) support this section. Forest & Bird notes the wording is consistent with the NPS-FM hierarchy of obligations.

Staff recommendation:

- 6.39 No change recommended
- 6.40 **AFFCO, Eastland and Federated Farmers:** Reject.
- 6.41 **Taheke 8C, Te Arawa Lakes Trust, Forest & Bird:** Accept
- 6.42 The hierarchy of obligations aligns with Te Mana o te Wai in section 1.3(5) of the NPS-FM and this prioritisation approach is required to give effect to the NPS-FM directions.

Issue 2.12.4(1) Water demand

- 6.43 Forest & Bird (submission 14-2) considers the wording could be improved to align with the NPS-FM in giving effect to Te Mana o te Wai, as follows:

Demand for Wwater demand use is high and could pose a risk for springs, surface water bodies and associated tangata whenua, ecological and recreational values

Increasing water demand particularly for agriculture, horticulture, industrial and municipal uses continues to increase pressure on key values including tangata whenua, ecological and recreational values. To ensure the health of freshwater, This signals a need to assign and manage the allocation and uses within of surface and groundwater must be managed within limits to provide firstly for the well-being for key values of these waterbodies and springs associated with them.

Staff recommendation:

- 6.44 Minor amendments recommended.
- 6.45 **Forest & Bird:** Accept in part. Minor amendments are proposed to provide for 'well-being' in addition to key values of water bodies and springs as follows:

Water demand is high and could pose a risk for springs...

...This signals a need to assign and manage uses within surface and groundwater limits to provide for the well-being and key values of these water bodies and springs associated with them.

- 6.46 Staff note that Forest & Bird's submission point was on a previous version of PC5, and the wording sought does not match with the notified version.

Issue 2.12.4(1) Water demand

- 6.47 Horticulture New Zealand (HortNZ) (submissions 8-1 and 8-12) considers the statement '*Current consented allocation exceeds region-wide limits in several sub-catchments of the Kaituna River and in the Lower Kaituna Aquifer*' is not based on current and best knowledge.
- 6.48 HortNZ supports using the NPS-FM implementation process and National Environmental Standards (NES) approach for managing water quantity and at a

catchment scale for establishing objectives, targets, and allocation regimes to provide for identified values. HortNZ requests the following amendments to water demand issue 2.12.4(1):

~~Current consented allocation exceeds water quantity limits~~ In several sub-catchments of the Kaituna River, and in the Lower Kaituna aquifer current water allocation is approaching the peak of what would be suitable for freshwater outcomes. Groundwater across the region should be allocated through national policies (NPS-FM and NES) and current and best knowledge of the aquifers at the Kaituna catchment scale.

- 6.49 Forest & Bird (further submission FS01-3) opposes HortNZ's submission; the NPS-FM is to be given effect to by Council's regional plans including the RPS. It is not in itself an allocation tool.
- 6.50 WBOPDC (further submission FS04-2) supports HortNZ's submission point (8.1) in part and seeks further clarification current and best knowledge of aquifers at the Kaituna catchment scale is necessary. *'Understanding the information that BOPRC holds and the programme to improve this information would be beneficial to fully understand the implications of this change.'*
- 6.51 Taheke 8C (submission 9-5) requests a clear statement that the needs of consent holders and users at the top of the Okere River should not be undermined by those at the bottom. Eastland (further submission FS06-6) seeks that Taheke 8C's submission point is accepted.

Staff recommendation:

- 6.52 No change recommended.
- 6.53 **HortNZ, WBOPDC:** Reject. **Forest & Bird:** Accept. The paragraph submitted on is a superseded version to the notified PC5 version. The notified explanation text is correct in that consented allocation exceeds limits based on the interim allocation regime currently in use. New limits, to be implemented by 2024, will be based on new modelling and the freshwater objectives for each Freshwater Management Unit. BOPRC's understanding of appropriate limits is evolving and the community will be engaged on a suitable approach to setting limits. As noted in Forest & Bird's further submission, the NPS-FM and NES-FW are not water allocation tools.
- 6.54 **Taheke 8C:** Reject. The consenting process requires consideration of effects on existing users where appropriate; this may include an assessment of effects on users in the upper reaches by proposed users in lower reaches of the river. Staff do not consider a statement to this effect is necessary in PC5.

Issue 2.12.4(2) Urban growth, climate change, rural land use intensification

- 6.55 WBOPDC (submission 4-3) requests this issue is split into two, separating land use issues and climate change issues. Climate change and land use have different drivers and are handled differently. WBOPDC acknowledges there is a Natural Hazard section in the RPS, however WBOPDC considers this does not necessarily align with the wider implications of climate change on the Kaituna River. Winter rainfall and the increased frequency of rainfall events will have different implications for the Kaituna River that should be recognised here. WBOPDC note the s32 report discussion of issues does not mention climate change at all.

- 6.56 Federated Farmers (further submission FS07-2) supports in part WBOPDC's submission point but considers climate change mitigations are more appropriately developed by central government and include consideration of a range of factors that are missing from PC5. Federated Farmers notes the s32 report discussion of issues does not mention climate change.
- 6.57 HortNZ (further submission FS03-1) supports WBOPDC's request to split the two issues but recommends replacing horticulture with agriculture in WBOPDC's requested wording.
- 6.58 Eastland (further submission FS06-7) seeks that WBOPDC's submission point is accepted.
- 6.59 Forest & Bird (submission 14-3) notes this issue now excludes land use intensification beyond the rural environment and does not capture development. This fails to capture the pressures on freshwater bodies from urban intensification. Industrial and municipal uses should also be captured here, consistent with the recognition of these contributors in this issue. This is particularly relevant to undeveloped industrial-zoned land, where development may be limited or precluded due to insufficient water availability. HortNZ (further submission FS03-2) and Federated Farmers (further submission FS07-3) support Forest & Bird's submission point.
- 6.60 Forest & Bird are very supportive of issue statements that include the implications of climate change and ecosystem health but consider it should be extended to include effects on other values including mahinga kai and human health in the context of Te Mana o te Wai. Forest & Bird recommends adding a further issue to recognise the impacts of development and urban intensification, or make the following amendments to the issue:

2. Urban growth, climate change, ~~rural~~ land use change and intensification

Rural land use intensification, urban growth and intensification, industrial development, demand for municipal water uses and climate change effects are all placing pressure on the state of the Kaituna River, ecosystem health and wetland habitats, mahinga kai and contact recreation.

- 6.61 Eastland (further submission FS06-8) opposes Forest & Bird's submission point.

Staff recommendation:

- 6.62 Change Issue 2.12.4.2 by accepting in part Forest & Bird's submission point, as follows:

2. Urban growth, climate change, ~~rural~~ land use change and intensification

Rural land use intensification, urban growth, water demand and climate change effects are all placing pressure on the state of the Kaituna River, ecosystem health and wetland habitats, mahinga kai and contact recreation.

- 6.63 **WBOPDC:** Reject; no change recommended. Staff acknowledge the combination of the two issues into a single issue may have caused some confusion. While staff acknowledge WBOPDC's concerns about the different drivers for land use and

climate change issues, land use intensification and climate change considerations are integrated in the Kaituna River Document.

- 6.64 **Forest & Bird, HortNZ, Federated Farmers:** Accept in part. Staff consider that urban growth encompasses both intensification (both up and out) and industrial development. Staff accept the statement could be amended to clarify the issues and consider some of Forest & Bird's requested changes capture issues highlighted in the Kaituna River Document.

Issue 2.12.4(3) Water quality is declining and is not always suitable for swimming

- 6.65 Forest & Bird (submission 14-4) consider the wording could be improved to align with the NPS-FM in giving effect to Te Mana o te Wai:

Water quality is declining and is not always suitable to protect ecosystem health, or for swimming in locations people wish to swim

Trends over time show nutrient discharges are increasing ~~which is a~~ and contributing significantly ~~contributor~~ to declining water quality in the Kaituna River...

- 6.66 Eastland (further submission FS06-9) opposes Forest & Bird's submission point.

Staff recommendation:

- 6.67 No change recommended.
- 6.68 **Forest & Bird:** Reject. Staff note ecosystem health is referred to in issue 2 and consider it does not need to be repeated in issue 3, which is an issue focussed on swimming, to recognise and provide for related provisions in the River Document.

Issue 2.12.4(4) Waterbody modification impacts

- 6.69 Forest & Bird (submission 14-5) considers the proposed wording around drainage scheme impacts creates uncertainty as to what "modification" is or the causes of it, and prefers the draft wording, which was clear that modification is that caused by drainage schemes. If the intent is to capture other activities, then these should be added to the issue:

Drainage scheme waterbody modification impacts

Mahinga kai, ecosystem health and natural character values are being impacted by drainage scheme waterbody modifications especially in the lower Kaituna River area.

- 6.70 BOPRC Rivers & Drainage (further submission FS02-1) opposes Forest & Bird's submission point and request the wording is maintained because it reflects the broader situation that has evolved over time. This includes the loss of wetlands and indigenous vegetation, intensification of agricultural/horticultural land use, application of fertilisers and discharge of contaminants, which are all part of the broader issue. Rivers & Drainage consider Project 1 (Lowland Drains and Drainage Canal Improvement Project) from the Te Tini a Tuna Action Plan will deliver positive outcomes for the Kaituna River and Maketū Estuary.

- 6.71 WBOPDC (further submission FS04-3) and TCC (further submission FS11-4) also oppose Forest & Bird's submission point because it would unnecessarily narrow the scope of this issue. Waterbody modification may occur for several reasons beyond drainage schemes, including *ad hoc* land drainage outside of formal schemes, changes to wetland extent and other civil engineering projects.

Staff recommendation:

- 6.72 No change recommended.
- 6.73 **Forest & Bird:** Reject. The wording was changed from the draft version to clarify that the modification of water bodies is the issue, rather than modification of drainage schemes themselves; in response, staff recommended replacing references to 'drainage scheme' with 'waterbody modification'. Staff agree with further submissions that replacing 'waterbody modification' with 'drainage schemes' would unnecessarily narrow the scope of this issue.
- 6.74 **BOPRC Rivers & Drainage, WBOPDC, TCC:** Accept.

Map 4ab Kaituna River Catchment

- 6.75 Carrus Corporation Ltd (Carrus) (representing Totara Farm Park JV's land interests in the proposed Te Tumu Urban Growth Area) (submission 3-1), and the Te Tumu Landowners Group (TTLG) (submission 7-1) seek specific recognition of the Te Tumu and Rangiora urban growth areas that are provided for in RPS Appendix E urban limits. This includes recognising these areas on the catchment Map 4ab.
- 6.76 Forest & Bird (submission 14-7) support Map 4ab, considering it to be clear and useful.

Staff recommendation:

- 6.77 No change recommended.
- 6.78 **Carrus and TTLG:** Reject. The urban areas shown are existing developed areas. Although the Rangiora and Te Tumu urban growth areas are indeed provided for in Appendix E of the operative RPS they are currently undeveloped. These urban growth areas are subject to [Proposed Change 6 \(NPS-UD\) to the RPS](#) which was publicly notified for submissions on Tuesday 9 August 2022. Proposed Change 6, among other things, proposes deleting the Appendix E urban growth area maps and all references to urban limits in order to implement the responsive urban development requirements of the National Policy Statement on Urban Development 2020. Despite this as the Rangiora Business Park and Te Tumu urban areas are developed, Map 4ab can be updated to reflect land use change on the ground as part of a future section 79 review.
- 6.79 **Forest & Bird:** Accept.

Table 10c Kaituna River – objectives and titles of policies and methods to achieve the objectives

- 6.80 Carrus (submission 3-7) and TTLG (submission 7-7) support Table 10c wording around Objectives 40, 41, 43 and 46.

- 6.81 Carrus and TTLG seek Objective 23 ‘*A compact, well designed urban form that effectively and efficiently accommodates the region’s urban growth*’ is cross referenced at the bottom of the Table 10c (Kaituna River objectives and titles of policies and methods to achieve the objectives).
- 6.82 Taheke 8C (submission 9-6) do not consider it appropriate to imply that enabling development of Māori land is in any way enabling iwi/hapū relationships (by linking Policy IW 1B, Method 41 and Method 42 to Objective 40), and request that the development of Māori land is not linked to this objective. Taheke 8C seek that the development of Māori land is given its own objective to provide for and support Māori land development along the Okere River, including consultation as affected tangata whenua and engagement to discuss and agree matters of significance to tangata whenua.

Staff recommendation:

- 6.83 No change recommended.
- 6.84 **Carrus & TTLG:** Reject. It is acknowledged Table 6 ‘Iwi Resource Management’ of the Operative RPS cross references to the Consultation Objective 12 in Table 5 and Historic Heritage Objective 19 in Table 7. The basis for the cross references to the Consultation and Historic Heritage objectives is they were identified as significant resource management issues in most iwi and hapū resource management plans reviewed during the development of the second generation RPS and featured prominently in iwi consultation and engagement. Originally, they were proposed to be included as objectives in the Iwi Resource Management Chapter but were later relocated to the Integrated Resource Management and Matters of National Importance Chapters.
- 6.85 While it is acknowledged that Objective 23 and the Te Tumu and Rangiuru Growth Management Areas are provided for in the RPS, their relationship to the Kaituna River objectives are no more significant than many other water quantity, matter of national importance, and iwi resource management objectives. Cross reference to Objective 23 is not considered warranted or necessary. Objective 23 continues to apply whether it is cross referenced or not, much like many other objectives and policies in the RPS relevant to a particular issue.
- 6.86 **Taheke 8C:** Reject. Staff do not consider a further separate objective is required for the development of Māori land because the RPS already contains Māori land development Objective 16 which is linked to Policy IW 1B and Policy IW 2B. Objective 16 states: ‘*Multiple owned Māori land is developed and used in a manner that enables Māori to provide for their social, economic and cultural well-being and their health and safety, while maintaining and safeguarding its mauri.*’ Objective 16 is a region wide objective, so it already encompasses potential development of Māori land along the Okere River. Policy IW 1B and Policy IW 2B are existing operative RPS provisions considered complementary to guide decision making and courses of action towards accomplishing Objective 40. Incidentally these two policies are also linked to operative Māori land development Objective 16. Method 41 ‘*Promote consultation with potentially affected tangata whenua*’ is also linked to Objective 40 which provides for the request for (a) consultation and (b) engagement with tangata whenua.

Objective 40 Iwi and hapū relationships with Kaituna River

6.87 Heritage NZ Pouhere Taonga (HNZPT) (submission 5-2) supports Objective 40 because it will enable the identification, protection, preservation and conservation of New Zealand’s historical and cultural heritage.

6.88 HortNZ (submission 8-2) recommends deleting the word “strengthen” from the policy because it does not appear to add anything to the objective from a planning perspective and the intent is already covered by the word “enhance”. HortNZ acknowledges that “strengthen” is used in the Kaituna River Document to seek to strengthen associations between iwi and hapū with the Kaituna River through recognition of iwi/hapū management plans, access to the river and protection of cultural heritage. However, HortNZ believes this strengthening of association can be achieved through the objectives, policies and methods in the plan. For these provisions to be effective, it is best to apply validated planning terminology.

The traditional and contemporary relationships that iwi and hapū have with the Kaituna River are recognised, ~~strengthened~~, enhanced and provided for

6.89 Te Arawa Lakes Trust (submission 12-4) supports the objective as written.

6.90 Forest & Bird (submission 14-8) recommends better consistency with the NPS-FM; issue 5 identifies that relationships are “strained”, so the objective should be to reduce or remove that strain:

The traditional and contemporary relationships that iwi and hapū have with the Kaituna River are recognised, ~~restored, and supported and provided for~~.

Staff recommendation:

6.91 No change recommended.

6.92 **HortNZ:** Reject. ‘Strengthen’ is used in Objective 2(g) of the Kaituna River Document. Staff consider that ‘enhance’ is to make better and ‘strengthen’ is to make stronger; staff consider it acceptable to retain the Kaituna River Document wording. Reject, no change recommended.

6.93 **Forest & Bird** Reject. The requested edit was to a previous version of the objective. The addition of strengthen and enhance are considered to link Objective 40 to issue 2.12.4(5) (regarding the strained relationship with the river).

Objective 41 Water quality

6.94 WBOPDC (submission 4-4) considers it unnecessary to specifically mention groundwater in Objective 41. The interplay between ground and surface water is acknowledged but would be better considered under either Objective 42 or 43. Providing for ecosystem health, human contact, threatened species and mahinga kai values are all typically surface water value and not directly related to groundwater. The complex nature of groundwater makes the objective to ‘restore’ questionable. The groundwater aquifers are not accurately mapped, and the state and quality not fully understood. It may be worth considering how far groundwater should be addressed, given the definition of the Kaituna River in the Tapuika Claims Settlement Act 2014.

6.95 Forest & Bird (further submission FS01-1) opposes WBOPDC’s request, considering that groundwater quality is interlinked with land use, water take and use, and so it is appropriate to consider groundwater within the same objective.

- 6.96 HortNZ (submission 8-3) and Forest & Bird submission (submission 14-9) support the objective as written.
- 6.97 TCC (11-1) supports Objective 41 subject to the following amendments:
- Water quality and the mauri of the water, ~~including groundwater~~, in the Kaituna River is restored to a state which provides for ecosystem health, safe drinking water sources, human contact, threatened species and mahinga kai values.
- 6.98 TCC has reservations about describing groundwater as being “in” the Kaituna River and including groundwater outcomes in Objective 41. The only material reference to groundwater in the Kaituna River Document is the desired outcomes for objective 5, which refers to the sustainable management of abstraction of groundwater. This reflects a concern about groundwater quantity, not quality. TCC does not consider groundwater to be a matter to be recognised and provided for under the Tapuika Claims Settlement Act 2014. TCC also notes that the s32 report does not provide technical information to properly assess the ramifications of expanding Objective 41 to include groundwater, which risks unintended consequences and is inappropriate when there is no requirement to address groundwater quality under s123(1) of the Tapuika Claims Settlement Act 2014.
- 6.99 HortNZ (further submission FS03-3) supports TCC’s submission point.
- 6.100 Forest & Bird (further submission FS01-4) opposes TCC’s submission point, stating that Kaituna River means all tributaries, including waters of its catchment and groundwater.
- 6.101 Federated Farmers (13-1) requests the following amendment to ensure Objective 40 reflects NPS-FM wording for waterways to be maintained or improved, rather than restored:
- Water quality and the mauri of the water, including groundwater, in the Kaituna River is ~~restored~~ maintained or improved to a state which provides for appropriate ecosystem health, human contact, threatened species and mahinga kai values.
- 6.102 Eastland (further submission FS06-12) seeks that Federated Farmers’ submission point is accepted.
- 6.103 Forest & Bird (submission 14-9) considers Objective 41 captures key aspects necessary to give effect to Te Mana o te Wai but recommend including a timeframe of 2030 for achieving the objective. HortNZ (further submission FS03-4) and WBOPDC (further submission FS04-4) oppose Forest & Bird’s request to add a 2030 timeframe because the basis for the timeframe is unclear, confuses the objective and is better addressed through the NPS-FM process. Eastland (further submission FS06-13) and Federated Farmers (further submission FS07-4) also oppose this submission point.

Staff recommendation:

- 6.104 Amend Objective 41 to provide for ‘safe drinking water sources’ to read as follows:
- Water quality and the mauri of the water, including groundwater, in the Kaituna River is restored to a state which provides for ecosystem health, safe drinking water sources, human contact, threatened species and mahinga kai values

- 6.105 **WBOPDC and TCC:** Reject. Staff consider the inclusion of groundwater in Objective 41 to be appropriate. Aquifers, springs, rivers, and wetlands are naturally connected; rivers/streams gain water from groundwater flowing in through the riverbed and lose water as it flows out of the riverbed to groundwater. Wetlands can represent the surface expression of a shallow aquifer. Historic distinctions between the water in aquifers, rivers, springs or wetlands is often an arbitrary classification, with water moving backwards and forwards between them. Groundwater can be both a source and receptor of contaminants, which means that surface water and groundwater quality issues are inextricably linked – surface water quality cannot be managed without also managing groundwater quality. The NPS-FM requirement to maintain or improve water quality applies to groundwater as well as surface water.
- 6.106 **TCC:** Accept in part. Staff acknowledge that none of the other PC5 objectives refer to safe drinking water sources and recommend including TCC’s requested change to include safe drinking water sources.
- 6.107 **Federated Farmers:** Reject. The primary objective of PC5 is to recognise and provide for the vision, objectives and desired outcomes of the Kaituna River Document. Another RPS change is still to come to give effect to the NPS-FM. The wording of Objective 41 is more closely aligned to Objective 3 in the Kaituna River Document than Federated Farmers’ preferred wording.
- 6.108 **Forest & Bird:** Reject. Staff consider the timeframe is best defined through the RNRP change process, which will need to be consulted on and considered in the context of the wider regional NPS-FM implementation via the RPS and RNRP changes.

Objective 42 Water- quantity

- 6.109 Z Energy Limited and BP Oil New Zealand Limited (‘the Oil Companies’) (submission 10-1) and HortNZ (submission 10-1) support the Objective 42 as written.
- 6.110 Federated Farmers (submission 13-3) is concerned PC5 will unjustly prohibit farmers from using the Kaituna River for farming purposes that are not provided for under section 14(3)(b) of the RMA and considers Objective 42 ought to specifically reference other productive values. Forest & Bird (further submission FS01-7) considers the wellbeing of water needs to come first; “productive uses” is uncertain and may not sit with the first or second priorities for Te Mana o te Wai. HortNZ (further submission FS03-5) supports Federated Farmers’ submission point.
- 6.111 Forest & Bird (submission 14-10) supports Objective 42 but consider a 2030 timeframe is appropriate. HortNZ (further submission FS03-6) and WBOPDC (further submission FS04-5) oppose adding a 2030 timeframe because the basis for adding the timeframe is unclear and confuses the objective and is better addressed through the NPS-FM process. Eastland (further submission FS06-15) and Federated Farmers (further submission FS07-5) also oppose this submission point.

Staff recommendation:

- 6.112 No change recommended.
- 6.113 **Federated Farmers:** Reject. Staff consider Objective 42 accurately recognises and provides for objective 4 of the Kaituna River Document. Water use for farming

purposes is provided for through other RPS policies and the regional plan consenting process.

- 6.114 **Forest & Bird:** Reject. Staff consider the 2030 timeframe is best defined through the RNRP change development and consultation process to give effect to the NPS-FM, which will need to be consulted on and considered in the context of the wider regional NPS-FM implementation via the RPS and RNRP changes.

Objective 43 Sustainable water allocation

- 6.115 Carrus (submission 3-5), AFFCO (submission 6-2), TTLG (submission 7-5), HortNZ (submission 8-5) and the Oil Companies (submission 10-2) support the objective as written.

- 6.116 Forest & Bird (submission 14-40) considers “sustainable allocation” suggests that allocation is prioritised, which is not the same as “sustainable management”. Forest & Bird recommend the following amendment to align with the hierarchy of obligations in Te Mana o te Wai:

Water in the Kaituna River is sustainably appropriately allocated and efficiently used to provide for the social, economic and cultural well-being of iwi, hapū and communities now and for future generations consistent with the hierarchy of obligations in Te Mana o Te Wai.

- 6.117 Eastland (further submission FS06-18) seeks that Forest & Bird’s submission point is rejected.

- 6.118 Federated Farmers (submission 13-4) seeks to amend Objective 43 to also provide for the wellbeing of individuals in addition to iwi, hapū and communities. Forest & Bird (further submission FS01-8) opposes this submission point, stating that the term ‘individuals’ detracts from the community and future generations focus.

- 6.119 Forest & Bird (submission 14-11) does not consider it clear how this objective sits within the hierarchy of obligations in Te Mana o te Wai, so recommend a 2030 timeframe. Forest & Bird recommend either changing the objective to a policy that falls out of Objective 42, or amending Objective 43 as follows:

Water in the Kaituna River is sustainably allocated and efficiently used to provide for the social, economic and cultural well-being of iwi, hapū and communities now and for future generations, while prioritising the health and wellbeing of waterbodies and freshwater ecosystems.

- 6.120 WBOPDC (further submission FS04-7) opposes Forest & Bird’s submission in part. The intent of the submission is supported but the submitter’s proposed change is unclear; the implications of such a change need to be clarified and considered further. Eastland (further submission FS06-17) also opposes Forest & Bird’s submission point.

Staff recommendation:

- 6.121 No change recommended.

- 6.122 **Federated Farmers:** Reject. Objective 43 accurately recognises and provides for Objective 5 of the Kaituna River Document. Providing for ‘individuals’ would diminish the collective intent of the collective in providing for current and future

generations which also aligns with the overriding moemoea (vision) of the Kaituna River Document.

- 6.123 **Forest & Bird:** Regarding submission 14-40 reject. The purpose of the RMA is to promote the sustainable management of natural and physical resources, rather than the appropriate management of resources. Objective 43 focusses on ensuring water is allocated sustainably. The notified wording is considered more suitable because it ensures that sustainability remains the forefront consideration. It is not clear what “appropriate” allocation is intended to mean in this context or which considerations “appropriate” would be based on.
- 6.124 Regarding submission 14-11: reject. Staff consider Objective 42, which aims to ensure there is *sufficient water quantity in the Kaituna River to support the mauri of rivers and streams and provide for tangata whenua, ecological and recreational values*, is broadly aligned with the outcome sought in Forest & Bird’s requested wording. In addition, the RPS change to give effect to the NPS-FM will ensure the relevant NPS-FM objectives and policies are given effect to by the RPS.

Objective 44 Best versus good management practice

- 6.125 HortNZ (submission 8-6) supports Objective 44 as written.
- 6.126 TCC (submission 11-2, 11-14) recommends including a definition for best management practices (BMP). TCC (submission 11-2) supports the objective with the following amendment:
- ~~The Activities use best management practices to improve the environmental well-being of the Kaituna River is enhanced through best management practices.~~
- 6.127 HortNZ (further submission FS03-12) opposes TCC’s submission to provide a definition of BMP, stating that this will differ by sector. The BMP definition for an industrial activity would be different to one for the rural industry, and BMPs vary by rural sector. HortNZ supports Freshwater Farm Plans as a means of demonstrating good/best management practice. Eastland (further submission FS06-19) and Federated Farmers (further submission FS07-6) oppose TCC’s submission point for a definition of BMP.
- 6.128 WBOPDC (further submission FS04-8) supports TCC’s submission in part in that it would provide clarity to RPS users.
- 6.129 Federated Farmers (submission 13-5) seek Objective 44 is amended to focus on industry agreed good management practices (GMP) and not “BMP. Federated Farmers is concerned “best practice” is aspirational, sets the bar unreasonably high and is not sufficiently flexible or certain to provide for the wide range of farm systems and farm types in the Kaituna River catchment. Eastland supports Federated Farmers’ submission point.
- 6.130 Forest & Bird (submission 14-12) opposes Objective 44 because it is not clear; “environment” is very broadly defined in the RMA and includes people. The intent of the objective should be to recognise the needs of the waterbody first, consistent with the NPS-FM:

The ~~environmental~~ health and well-being of the Kaituna River is enhanced through best management practices.

6.131 Eastland opposes Forest & Bird's submission point.

Staff recommendation:

6.132 Staff recommend amending Objective 44 to replace 'best' with 'good' to read:

The environmental well-being of the Kaituna River is enhanced through ~~best~~ good management practices

6.133 **TCC:** Reject. An objective is an outcome focussed statement; TCC's proposed amendment is not considered appropriate because it changes the objective to read as a policy (the course of action to achieve or implement the objective). Regarding a definition of best management practice (11-2, 11-14), staff accept HortNZ's further submission (FS03-12) that BMPs/GMPs differ by sector and over time. Based on this, it is not considered appropriate to define BMP/GMP.

6.134 **Federated Farmers:** Accept. BMP versus GMP was contested through appeals on Plan Change 10 (Nutrient Management) to the Regional Natural Resources Plan (RNRP) (PC10). Parties agreed that BMP would be amended to GMP in PC10. Consequently, staff recommend amending Objective 44 and Policy KR 5B to replace references to BMP with GMP. This aligns with the reason for adopting the same approach taken in PC10 in 2019. The primary parties involved in these appeals were Federated Farmers, The Māori Trustee and Central North Island Iwi Land Management Ltd.

6.135 In terms of the background of the change from BMP to GMP, as part of the RPS review in 2010, BMP was accepted as a suitable approach for reducing nutrient losses from rural production activities in the RPS. The equivalent Kaituna River Document Objective 6 refers to 'improved land management practices' and not BMP. When first drafted, Objective 44 aligned with the wording in Objective 6. The terminology was later changed in response to internal staff feedback and consultation in December 2019, which suggested strengthening the wording to be consistent with existing operative RPS Policy WL 6B(a) which states:

Policy WL 6B: Managing the reduction of nutrient losses

Require, including by way of rules, the managed reduction of any nutrient losses of more than the limits established under Policy WL 3B by ensuring that:

- (a) Rural production land use activities minimise their loss of nutrients as far as is reasonably practicable by implementing on-farm best management practices;

6.136 The Policy WL 6B(a) (RPS) explanation is:

On-farm best management practices should be implemented to ensure that all rural production land use activities minimise their nutrient losses as far as is reasonable, practicable and affordable. The aim is to ensure that all rural production land users are operating in accordance with industry best practice.

For Lake Rotorua, current on-farm best practice alone will not achieve the nitrogen load reduction required to reach the sustainable nitrogen load of 435 tN/yr and land use change will be necessary. Beyond 2032 only discharges which enable the 435 tN/yr to be met will be authorised.

The development of further resource management policy will have regard to the Oturoa Agreement.

The cost of achieving any further reduction in nutrient losses over and above on-farm best practice in a particular catchment will have a mix of public and private benefits and should be funded accordingly. Consequently, the implementation of Policy WL 6B will require the development of further policy under the Regional Council's Resource Management Act 1991 and Local Government Act 2002 responsibilities.

- 6.137 Policy WL 6B (RPS) is focused solely on defined catchments at risk, which currently excludes the Kaituna River Catchment. At present only the Rotorua Te Arawa Lakes are defined as catchments at risk, but further catchments could be added through an RPS review or introduced through subsequent changes to the RNRP.
- 6.138 In the context of PC5, BMP has a wider focus than reducing nutrient losses as part of on farm mitigations to improve water quality. GMP are used to describe what is reasonable and practicable. BMP is considered more aspirational, without consideration of what is reasonable and practicable. Nevertheless, GMP is consistent with reducing nutrient losses "as far as is reasonably practicable" (Policy WL 6B) and "as far as is reasonable, practical and affordable" (explanation to policy).
- 6.139 In a practical sense the shift from "best" to "good" does not mean a downgrading of any outcome that would be experienced on the ground. GMP reflects the national approach to ensuring practical delivery of improved farm management practices as part of a suite of requirements designed to deliver environmental outcomes.
- 6.140 GMP was considered appropriate and consistent with Policy WL 6B in the context in which it sits within the suite of provisions in PC10. Use of GMP in PC10 is also consistent with other regional councils' regional plan provisions related to improving water quality. Other regional plans have adopted 'GMP or 'Good Farming Practices' (GFP).
- 6.141 GMP is also consistent with the considerable body of knowledge and guidelines the primary industries have been working collaboratively to deliver in recent years.
- 6.142 **Forest & Bird:** Reject. The primary objective of PC5 is to recognise and provide for the vision, objectives and desired outcomes of the Kaituna River Document. The Objective 44 wording is more closely aligned to Objective 6 in the Kaituna River Document than Forest & Bird's preferred wording.

Objective 45 Wetlands, aquatic and riparian ecosystems

- 6.143 HortNZ (submission 8-7) and Forest & Bird (submission 14-12) support the objective as written.
- 6.144 TCC (submission 11-3) supports the objective but recommends 'restored, protected or enhanced' instead of 'and' enhanced because the phrase is uncertain and difficult/impossible to implement through district plans at the project or growth area level.
- 6.145 Eastland (Further submission FS06-24) seeks that TCC's submission point is accepted.

Staff recommendation:

- 6.146 No change recommended.
- 6.147 **TCC:** Reject. Staff consider 'and' to be more appropriate than 'or' – wetlands, aquatic and riparian systems in certain parts of the Kaituna River catchment could be restored, while in other parts it may be appropriate to achieve enhancement to support indigenous species. Restoration and enhancement in different areas of the catchment are not mutually exclusive.

Objective 46 Te Maru o Kaituna collaboration

- 6.148 Eastland (submission 2-3), Carrus (submission 3-6), TTLG (submission 7-6) and HortNZ (submission 8-8) support the objective as written.
- 6.149 Federated Farmers (submission 13-6) considers that, given the prominence of farming activities in the Kaituna River catchment, Te Maru o Kaituna should also be required to engage with primary industry groups. HortNZ (further submission FS03-8) supports Federated Farmers' submission point.
- 6.150 Forest & Bird (submission 14-14) consider the objective to be more of a policy than an objective and recommend reconsidering the use of "enable" and "aspirations" to ensure consistency with Te Mana o te Wai. Eastland (further submission FS06-25) opposes Forest & Bird's submission point.

Staff recommendation:

- 6.151 Staff recommend amending Objective 46 to include primary industry groups and align the wording more closely with Objective 8 of the Kaituna River Document, which reads more as an objective than a policy:

Objective 46

Te Maru o Kaituna ~~in collaborate~~ collaboration with iwi, ~~and~~ the wider community and primary industry groups ~~to enable~~ environmental, economic, social, educational and cultural aspirations ~~to provide~~ for the restoration, protection and enhancement of the Kaituna River.

- 6.152 **Federated Farmers:** Accept; add primary industry groups to the objective.
- 6.153 **Forest & Bird:** Accept in part. Early engagement indicated that Te Maru o Kaituna wanted to see Objective 8 of the Kaituna River Document clearly reflected in the RPS. Staff acknowledge that the objective currently reads more like a policy and so has recommended changes to align with Objective 8.

Policy KR 1B Traditional iwi and hapū relationships with river

- 6.154 HNZPT (submission 5-3), Forest & Bird (submission 14-15) and Te Arawa Lakes Trust (submission 12-5) support the policy as written.
- 6.155 WBOPDC (submission 4-5) recommends a minor correction to the title and text of Policy KR 1B by adding the word 'the' for consistency and clarity. The word 'the' appears in the body of the policy in the s32 report (page 46):

Policy KR 1B: Recognise, strengthen, enhance and provide for traditional and contemporary iwi and hapū relationships with the Kaituna River.

- 6.156 HortNZ (submission 8-9) generally supports the policy but recommends deleting the word “strengthen” because its intent is covered by “enhance”:

Policy KR 1B: Recognise, ~~strengthen~~, enhance and provide for traditional and contemporary iwi and hapū relationships with Kaituna River.

Staff recommendation:

- 6.157 No change recommended.
- 6.158 **WBOPDC:** Accept the correction.
- 6.159 **HortNZ:** Reject. ‘Strengthen’ is used in Objective 2(g) of the Kaituna River Document. Staff consider that ‘enhance’ is to make better and ‘strengthen’ is to make stronger; staff consider it appropriate to retain the Kaituna River Document wording.

Policy KR 2B Establishing water quality limits

- 6.160 WBOPDC (submission 4-6) support the intent of Policy KR 2B and the importance of drinking water sources. The drinking water standards set a very high bar and it is unlikely that any surface water will meet the standards without treatment. Clarity is required to avoid giving the impression that surface water is drinkable. WBOPDC request the following amendment to the explanation:

The drinking water standards are high across a range of contaminants, and it is unrealistic to expect these to be met in ~~all parts of~~ the Kaituna River without water treatment.

- 6.161 HortNZ (submission 8-10) supports the policy as written.
- 6.162 TCC (submission 11-4) supports the policy with the following amendment:
- (b) Provides safe drinking water sources where the water is used for ~~that purpose~~ domestic, marae or municipal water supply.
- 6.163 Eastland further (submission FS06-26) seeks that TCC’s submission point is accepted, while Federated Farmers further (submission FS07-7) oppose it, preferring the notified wording.
- 6.164 TCC (submission 11-5) seeks the following amendment to the first paragraph of the explanation text:

Te Maru o Kaituna and communities within the catchment have strong relationships with the river and expectations that water should be swimmable, abundant, suitable for cultural ceremonies, and able to sustain customary food sources and safe drinking water sources for domestic, marae or municipal water supply.

- 6.165 WBOPDC further (submission FS04-9) supports TCC’s submission point because it provides clarity to RPS users.

- 6.166 TCC (submission 11-6) requests the following amendment to the second paragraph of the explanation text, making a valid point that safe drinking water is 'of critical importance', referring to the campylobacter contamination of Havelock North's drinking water supply. TCC also requested the second paragraph is amended to reflect the latest government requirements for the protection of sources of drinking water:

The ability to access safe drinking water is of critical importance ~~important~~ to the community.

- 6.167 TCC (submission 11-7) requested the following paragraph is added to the explanation:

The Waiari Stream which is a tributary of the Kaituna River is a critical source of drinking water for municipal supply for Tauranga City Council and the Western Bay of Plenty District Council and should be protected from contamination by the setting of quality limits for contaminants.

- 6.168 HortNZ (further submission FS0309) opposes TCC's submission point, preferring the notified wording because limits should provide for existing uses of drinking water but in future, consideration should be given to the suitability of the location for drinking water supply. HortNZ considers "drinking water" to be more accurate than "municipal" because municipal supplies are used for broader purposes.

- 6.169 TCC (submission 11-6) notes that with the review to the National Environmental Standard for Sources of Human Drinking Water Regulations 2007 and the Water Services Act 2021's new arrangements relating to sources of drinking water include requirements for source water risk management plans. TCC recommends updating the explanation to reflect the latest requirements for the protection of sources of drinking water. HortNZ (further submission FS03-10) opposes the submission in part, and considers the wording sought by TCC is not certain. HortNZ understands that a source water management plan is about the water supplier identifying and managing risk.

- 6.170 Federated Farmers (submission 13-7) supports the focus on achieving a state where the Kaituna River is safe for swimming, drinking, taking food from and is suitable for cultural ceremonies at traditional sites. However Federated Farmers considers the focus should be on the places and times of year where people undertake these activities, and not at all times of the year. To achieve this would impose significant cost for no benefit (associated with swimming, drinking, taking food or cultural ceremonies).

- 6.171 Eastland (further submission FS06-27) seeks that Federated Farmers' submission point is accepted.

- 6.172 Forest & Bird (submission 14-16) recommends amending the policy for consistency with the NPS-FM, as follows:

(a) Is safe for bathing in identified locations where people wish to swim or undertake other primary contact activities;

...

(e) Provides for ecosystem health and protects the habitats of indigenous freshwater species; and

(f) Quality is improved where degraded, and maintained or improved elsewhere.

- 6.173 WBOPDC (further submission FS04-10) supports in part Forest & Bird's submission point in that it provides clarity to RPS users. WBOPDC (further submission FS04-10) opposes new clause (e) in part; the intent of the change is appreciated but it is unclear what the wider implications of the clause may be and how conflicting uses may be allowed for.
- 6.174 Eastland (further submission FS06-28) seeks that Forest & Bird's submission point is rejected.

Staff recommendation:

- 6.175 Amend second paragraph of explanation to replace 'important' with 'of critical importance' to read:

The ability to access safe drinking water is ~~of critical importance~~ important to the community. Registered water supplies are afforded protection under the National Environmental Standard for Sources of Human Drinking Water Regulations 2007. The drinking water standards are high across a range of contaminants and it is unrealistic to expect these to be met in all parts of the Kaituna River without water treatment.

- 6.176 **WBOPDC:** Reject. Staff consider the explanation is sufficiently clear to make the distinction that only certain parts of the catchment will contain registered water supplies afforded protection under the 2007 regulations.
- 6.177 **TCC:** Submissions 11-4 and 11-5 to add 'domestic, marae or municipal water supply' to (b) and drinking water to the explanation text: Reject. Staff consider the wording is sufficiently clear 'that purpose' means drinking water sources and does not need to be included in the explanation text.
- 6.178 **TCC:** Submission 11-6 to change paragraph 2 of the explanation text to replace 'important' with 'of critical importance': Accept.
- 6.179 **TCC:** submission 11-6 to update the explanation text to reflect the latest requirements for the protection of sources of drinking water: Reject. The final Drinking-water standards have not been released; it is not appropriate to base changes on a draft NES (and this is not the purpose of PC5). The Drinking-water Standards will be subject to a separate RPS change process.
- 6.180 **TCC:** Submission 11-7 to add the Waiari Stream to the explanation text: Reject. Staff acknowledge that the Waiari Stream is a critical municipal water source, however no drinking water source sites are specifically listed in the Kaituna River Document. Staff consider all drinking water sources are critical and should be protected from contamination and that it would be inconsistent to emphasise one drinking water source in the catchment over others. Water quality limits for contaminants in the Kaituna River Catchment will be set through a separate plan change process to implement the NPS-FM. This will need to reflect the priority that is afforded to drinking water under Te Mana o te Wai.
- 6.181 **Federated Farmers:** Reject. Uses of the river, such as swimming, cultural ceremonies, kai awa, drinking water sources, could occur at any time. Specifying places and times at which water quality will be appropriate for those purposes is

impracticable. Drinking water sources may have more consistent or predictable demand but it would still be impracticable to focus on when the water is taken for drinking purposes. Policy KR 2B already qualifies where water quality needs to be safe for drinking water sources or suitable for bathing in identified locations. Further specifying customary kai awa and kai moana is unnecessary. The policy as drafted does not preclude ensuring water quality meets other NPS-FM values.

- 6.182 **Forest & Bird:** Reject. While effort is made to ensure PC5 is consistent with the NPS-FM, Policy KR 2B is considered to accurately recognise and provide for the vision, objectives and desired outcomes of the Kaituna River Document. RPS and RNRP changes to give effect to the NPS-FM are being progressed via Council's Essential Freshwater Policy Programme with changes proposed to be notified in July 2024.

Policy KR 3B Using mātauranga Māori

- 6.183 WBOPDC (submission 4-8) supports the policy explanation that mātauranga Māori needs to be stored and readily accessible to be useful – being able to readily draw upon mātauranga Māori will assist in using this knowledge base to inform resource management decisions. Federated Farmers (further submission FS07-8) support in part WBOPDC's submission point, in particular *“To be useful mātauranga Māori needs to be stored and readily accessible to help inform resource management decision making processes”*.
- 6.184 AFFCO (submission 6-4) requests the addition of *“alongside science”* to the policy; while *“alongside science”* is used in the explanation of the policy, for the avoidance of doubt this wording should be included in the actual policy to recognise the significance that each element has, to read:
- Use mātauranga Māori alongside science to inform resource management decision making...
- 6.185 Eastland (further submission FS06-29) and Federated Farmers (further submission FS07-9) support AFFCO's submission point.
- 6.186 HortNZ (submission 8-11) supports the policy as written.
- 6.187 Federated Farmers (submission 13-8) seeks Policy KR 3B is amended so the use of mātauranga Māori to inform resource management decision making is only required when the proposed activity has the potential to have a cultural effect.

Staff recommendation:

- 6.188 No change recommended in response to submissions. A minor amendment to the Policy title is recommended as follows:
- Policy KR 3B: Using ~~M~~mātauranga Māori to inform resource management decision making in the Kaituna River
- 6.189 Staff note that Policy KR 3B incorrectly uses an upper-case 'M' for 'mātauranga' in the policy title and a lower-case m in the explanation text. Staff recommend the title is corrected to match other titles throughout PC5 (lower case).

- 6.190 **AFFCO:** Reject. The policy identifies that mātauranga Māori is recognised as a valid methodology; its aim is not to exclude western science to inform resource management decision making but to increase awareness and use of Mātauranga Maori.
- 6.191 **Federated Farmers:** Reject. Policy KR 4B is considered to accurately recognise and provide for Objectives 4 and 5 of the Kaituna River Document's and the corresponding desired outcomes. RPS Policy IW 2B(b) recognises 'that only tangata whenua can identify and evidentially substantiate their relationship and that of their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.' Linking Policy IW 2B to Objectives 42 and 43 is the means of ensuring any potential cultural effects related to a proposed activity are relevant and in turn triggering the use of Mātauranga Māori under Policy KR 3B. The two policies are considered mutually inclusive.

Policy KR 4B Managing groundwater abstraction

- 6.192 WBOPDC (submission 4-9) understands the intent of the policy is to protect puna and springs, rather than groundwater takes more generally. WBOPDC consider the following amendment to the policy title better describes its intent:
- Managing groundwater abstraction in the Kaituna River Catchment for the protection of puna and springs
- 6.193 The Oil Companies (submission 10-3) support the policy as written.
- 6.194 Federated Farmers (submission 13-9) considers the wellbeing of individuals and other productive values should be provided for. Federated Farmers is concerned farmers will be unjustly prohibited from abstracting groundwater to provide for irrigation and other farming purposes (not provided for under section 14(3)(b) of the RMA). Federated Farmers seek the following amendments:
- Manage groundwater abstraction to protect the mauri of puna (spring) flows within the Kaituna River while:
- (a) Having regard to the economic, cultural and social well-being of present and future iwi, hapū, individuals and communities; and
- (b) Ensuring there is sufficient water available to provide for tangata whenua, ecological, and recreational and other productive values.
- 6.195 Eastland (further submission FS06-31) supports Federated Farmers' submission point in relation to "other productive values".
- 6.196 Forest & Bird (further submission FS01-9) opposes Federated Farmers' submission point, stating that the wellbeing of water must come first, and "productive uses" is uncertain and may not sit with the first or second priorities for Te Mana o te Wai.
- 6.197 Forest & Bird (submission 14-18) support the policy but recommend the following amendment to align with the NPS-FM:

Manage groundwater abstraction to protect the mauri of puna (spring) flows and prioritise the health and well-being of freshwater within the Kaituna River while:

6.198 Eastland (further submission FS06-32) opposes Forest & Bird's submission point.

Staff recommendation:

6.199 No change recommended in response to the submissions. A minor consequential amendment is recommended to the explanation text to delete reference to RPS Appendix E and 'urban growth' area. Refer also to paragraphs 7.1 to 7.2 of this report for the reasons to this minor/consequential amendment recommendation.

6.200 **WBOPDC:** Reject. Policy KR 4B's intent is broader than protecting puna. Objective 5(c) of the Kaituna River Document is to sustainably manage abstraction of groundwater to protect puna and to meet the relevant objectives in the Kaituna River Document. Policy KR 4B of PC5 elucidates these objectives – economic, cultural, and social wellbeing of iwi, hapū and communities; tangata whenua, ecological and recreational values. Staff consider the addition to the policy title would incorrectly restrict the scope of the policy.

6.201 **Federated Farmers:** Reject. The Kaituna River Document is a statement of partnership and co-governance which seeks to balance competing environmental, social, cultural, recreational and economic interests while ensuring the mauri of the river is maintained. Staff do not consider it necessary to specify 'individuals' who are part of communities, or 'productive uses', which fall under economic considerations. Staff consider that Policy KR 4B accurately recognises and provides for the Kaituna River Document objectives 4 and 5 and corresponding desired outcomes.

6.202 **Forest & Bird:** Reject. PC5 does not seek to implement the NPS-FM. Regional Council has a separate EFPP for NPS-FM implementation with RPS and Regional Plan changes scheduled to be notified in July 2024. However, care has been taken to ensure PC5 aligns, and is consistent, with the NPS-FM requirements. The requirement to recognise and provide for the Kaituna River Document continues to apply each time the Regional Council changes the RPS and regional plan(s). Staff consider Forest & Bird's requested change to be outside the scope of PC5 and the spirit of Objective 5 of the Kaituna River Document.

Policy KR 5B Enhancing the mauri of the Kaituna River through best management practices

6.203 WBOPDC (submission 4-11) supports the policy intent and wording but suggest the following amendment because farm environment plans are commonplace and for many operations a requirement. Consideration is required of whether this is actually best practice, or if the example could be expanded or amended as sought:

An example of best management practice is preparation and implementation of farm environment plans.

6.204 Federated Farmers (further submission FS07-10) opposes WBOPDC's submission point.

6.205 HortNZ (submission 8-13) supports the policy as written.

6.206 TCC (submission 11-8) supports the policy but recommended that ‘commercial and industrial’ is deleted because it is unclear how commercial and industrial activities could result in nutrient losses. TCC also request that source of safe drinking water is added to the policy. HortNZ (further submission FS03-11) opposes TCC’s submission point to delete commercial and industrial and points out the reference to drinking water is already addressed under Policy KR 2B. Eastland (further submission FS06-34) and Federated Farmers (further submission FS07-12) oppose TCC’s submission point.

6.207 Federated Farmers (submission 13-10) are concerned that “best practice” is aspirational, sets the bar unreasonably high and is not sufficiently flexible or certain to provide for the wide range of farm systems and farm types in the Kaituna River catchment. Federated Farmers seeks best management practices is replaced with good management practices, and any good management practices should be developed with rural industry groups and stakeholders to ensure that they are achievable. Federated Farmers also requested the following note is added below Policy KR 5B:

Note:

Good management practices will be developed in consultation and collaboration with industry and stakeholders. For example, the Good Farming practice guidelines:

<https://www.beehive.govt.nz/release/goodfarming-practice-plan-step-forward-water-quality>

6.208 Forest & Bird (further submission FS01-10) opposes Federated Farmers’ submission point, stating that best practices are necessary for better ecological outcomes for freshwater.

6.209 Forest & Bird (submission 14-19) considers that minimising nutrient losses may not be sufficient or appropriate in all cases, such as a new activity or change in land use. Forest & Bird recommends the following amendments:

Enhance the mauri of the Kaituna River by ensuring rural production, commercial and industrial activities are controlled to minimise or prevent nutrient losses by implementing best management practices including:

(a)...

(d) By controlling nutrient inputs and loss to ensure water quality limits are met.

6.210 HortNZ (further submission FS03-12) opposes Forest & Bird’s submission point; HortNZ supports implementation of BMPs through a mix of regulation, industry incentives and industry leadership. Eastland and Federated Farmers oppose the submission point. Federated Farmers do not support the amendment sought to control nutrient inputs.

Staff recommendation:

6.211 Amend all ‘*best management practice*’ references in Policy KR 5B to ‘*good management practice*’ consistent with recommendations on Objective 44 – refer paragraphs 6.134 to 6.142 of this report.

6.212 **WBOPDC:** Reject. Staff do not consider WBOPDC’s addition to add further clarity to the policy.

- 6.213 **TCC:** Submission 11-8 to delete 'commercial and industrial': Reject. The following are examples of commercial and industrial activities that could result in nutrient losses to stormwater, which flows into streams/ivers and percolates to groundwater, if not appropriately managed: fertiliser/Agrinutrient manufacture, abattoir, dairy processing factory, ammonia production plant.
- 6.214 TCC submission 11-8 to add safe drinking water: Reject. Staff consider the theme of the policy is enhancing the mauri, cultural health and ecological health of the Kaituna River, not using water in the Kaituna River or its tributaries. Staff do not consider drinking water use to be appropriate in this policy. Additionally, drinking water is addressed in Policy KR 2B.
- 6.215 **Federated Farmers:** Accept in part. Staff recommend amending BMP references to GMP to be consistent with recent decisions on appeals to PC10. Refer to the reasons in paragraphs 6.134 to 6.142 with respect to Objective 44. Staff do not consider the note below Policy KR 5B to develop GMP in collaboration with industry and stakeholders to be necessary – the policy seeks to ensure GMPs are used, not to dictate how they are developed.
- 6.216 **Forest & Bird:** Reject. Controls on nutrient inputs and loss will be implemented through the NPS-FM process, subject to a separate RPS change process.

Policy KR 6B Kaituna River's indigenous, aquatic, riparian and wetland vegetation and habitats

- 6.217 Eastland (submission 2-2) supports the policy as written.
- 6.218 HortNZ (submission 8-14) supports the intent of (a) and notes that clauses (b)-(d) imply a range of non-regulatory implementation methods. If Council determines to also apply regulatory methods to achieve clause (a), HortNZ considers this may disincentivise riparian planting and the use of good practices. Many growers plant riparian margins/wetlands either voluntarily or to offset effects elsewhere on site; the potential for regulation to extend over riparian planting may result in individuals determining not to plant or carry out other works to improve water quality.
- 6.219 HortNZ (submission 8-14) does not support the generalised statement in the explanation text that land use change to enable forestry conversion, pastoral grazing, horticulture, rural lifestyle activities and urbanisation have impacted negatively on the health of the catchment. HortNZ considers this generalises all industries as having the same negative impact and seeks amendments to reflect not all industries have the same negative effect on water quality:
- The Kaituna River Catchment has undergone widespread land use change to enable forestry conversion, pastoral grazing, horticulture, rural lifestyle activities and urbanisation. While these land use activities are important contributors to the region's economic prosperity, they have had variable impact~~sed to~~ the health of indigenous vegetation and habitats within streams and rivers and their riparian areas.
- 6.220 TCC (submission 11-9) considers that the desired outcomes are focussed on non-regulatory methods: projects and funding. TCC submits that it is appropriate for PC5 to reflect this project-focussed and non-regulatory approach rather than partially

implementing regulatory requirements for managing the quality and extent of wetlands (KR 6B(a)) and ecosystems that support and sustain indigenous flora and fauna (KR 6B(d)). TCC considers that potential constraints on urban growth need to be carefully considered. If Policy KR 6B(a)-(d) remain as drafted, TCC repeats its concerns relating to the use of “and”. If the requested changes to (a) to (d) are made, the use of “and” is acceptable and arguably appropriate. TCC requests the following edits to the policy:

Protect, restore ~~and or~~ enhance indigenous aquatic, riparian and wetland vegetation and habitats within the Kaituna River and its riparian margins by encouraging:

- (a) Increasing Projects to increase the quality and extent of wetlands.
- (b) Prioritising As a matter of priority, the funding of biodiversity projects in the Te Tini a Tuna – Kaituna Action Plan;
- (c) Undertaking Projects to undertake pest management and removal activities; and
- (d) Identifying Projects to identify and enhancing enhance ecosystems that support and sustain indigenous flora and fauna.

6.221 TCC also submits (11-10) that the explanation should be amended to reflect a project-focussed and non-regulatory approach:

Non-regulatory Opportunities for enhancing Kaituna Rivers indigenous aquatic, riparian and wetland ecosystems need to be considered and encouraged, ~~including through non-regulatory tools and the funding of pest management activities~~. Examples include projects funded and/or carried out by Te Maru o Kaituna members, the funding of pest management activities, voluntary wetland management agreements, wetland care groups, funding assistance through incentive schemes and biodiversity plans.

6.222 Forest & Bird (further submission FS01-5) oppose TCC’s requested edits to the policy and explanation text, stating they detract from the directiveness of the policy.

6.223 Eastland (further submission FS04-11) opposes TCC’s submission point.

6.224 WBOPDC (further submission FS04-11) opposes TCC’s submission point because narrowing the policy to focus only on projects is inappropriate and not within its intent. The repetition of ‘projects’ suggests that Te Maru o Kaituna member bodies are establishing and fully responsible for running these projects and does not encourage proactive behaviour or conditions.

6.225 Forest & Bird (submission 14-20) recommend the following additional action to align the policy with the NPS-FM:

(e) Providing for protection from further loss or degradation, including through the identification of remaining indigenous ecosystems and important habitats.

6.226 Eastland (further submission FS06-37) opposes Forest & Bird’s submission point.

Staff recommendation:

No change recommended.

- 6.227 **HortNZ:** Reject. Staff acknowledge different land uses will have different levels of impact on water quality, but it is also evident that all land uses mentioned have had negative impacts on the health of indigenous vegetation and habitats within streams and rivers and their riparian areas. HortNZ refers to ‘industries’, but Policy KR 6B and its explanation refer to land uses, not industries.
- 6.228 With respect to applying regulatory implementation methods to support the intent of (a) ‘*increasing the quality and extent of wetlands.*’ The NPS-FM and related National Environmental Standards - Freshwater already regulate the effects of activities on wetlands which Regional Council is required to give effect to. Changes were incorporated into the RNRP on 29 March 2021 without a plan change process. This included a new wetland Policy WL P13. Further changes to give effect to the NPS-FM wetland management and protection requirements will be introduced via the EFPP RPS and RNRP changes scheduled for notification in July 2024.
- 6.229 **TCC:** Reject. Staff consider ‘and’ to be more appropriate than ‘or’ in this policy – part of the Kaituna catchment could be restored, while another part enhanced. Restoration and enhancement in different areas of the catchment are not mutually exclusive.
- 6.230 Regarding TCC’s further requested changes to the explanatory text including limiting the scope of paragraphs (a), (c) and (d) to apply specifically to non-regulatory projects: Reject. The methods linked to Objective 45 and Policy KR 6B in Table 10c are wider in scope than non-regulatory projects regional council, city council, district councils, Te Maru o Kaituna, and iwi authorities choose to undertake through Te Tini a Tuna. Regulation through consents and plan changes (i.e. Method 3) is a viable and appropriate option to achieve Objective 45. This regulatory approach is reinforced by changes introduced or foreshadowed under both the NPS-FM and National Policy Statement for Indigenous Biodiversity. Staff consider TCC’s suggested changes are inconsistent with this national direction.
- 6.231 **Forest & Bird:** Reject. PC5 does not seek to implement the NPS-FM. Regional Council has a separate EFPP for NPS-FM implementation with RPS and Regional Plan changes scheduled to be notified in July 2024. However, care has been taken to ensure PC5 aligns, and is consistent, with the NPS-FM requirements. The requirement to recognise and provide for the Kaituna River Document continues to apply each time the Regional Council changes the RPS and regional plan(s).

Policy KR 7B Enabling economic development opportunities for iwi and hapū

- 6.232 Carrus (submission 3-8) and TTLG (submission 7-8) seek to broaden Policy KR 7B to encompass the wider community in addition to iwi and hapū on the basis it is linked to Objective 46 which also refers to the wider community. Eastland (further submission FS06-38) supports Carrus and TTLGs’ submission points. Federated Farmers (further submission FS07-13) opposes them.
- 6.233 WBOPDC (submission 4-12) notes there are two concepts raised in Policy KR 7B:
1. Economic opportunities for iwi and hapū; and

2. Economic development that enhances the Kaituna and acknowledges cultural connections.
- 6.234 WBOPDC considers that bundling these concepts together is somewhat confusing – it suggests iwi economic opportunities should only be enabled where they ‘promote greater understanding... or enhance the river’s wellbeing’. There is a lack of clarity as to what is therefore required through the District Plan. One aspect relates to zoning of land and discussions with iwi about future aspirations. The other is regarding ‘sustainable land management practices’ to ensure respect for the Kaituna River.
- 6.235 WBOPDC suggest splitting Policy KR 7B into two policies, which may require reconsideration of the associated methods:
- [Enabling economic development opportunities for iwi and hapū in the Kaituna River](#)
- and
- [Encourage economic development that enhances the Kaituna River and acknowledges its cultural connections.](#)
- 6.236 Eastland (further submission FS06-39) seeks that WBOPDC’s submission point is accepted, while Federated Farmers (submission 13-11) opposes the submission point.
- 6.237 Eastland (submission 2-4), AFFCO (submission 6-5) and Forest & Bird (submission 14-21) support Policy KR 7B as written.
- 6.238 HortNZ (submission 8-15) supports the policy as written but seeks clarification that this is within the river itself.
- 6.239 Federated Farmers (submission 13-11) understands the desire of obtaining development opportunities for iwi/hapū to promote greater understanding of cultural associations but considers development opportunities should be considered at a national level and not through the RPS. Federated Farmers does not support RPS or RMA processes to settle Treaty grievances or to address historical impediments to development.

Staff recommendation:

- 6.240 No change recommended in response to submissions. Staff recommend making a consequential amendment by deleting ‘*out to 2051*’ in the explanation text for Policy KR 7B as this date is specifically provided for in Appendices C and D and will be removed by Proposed Change 9 (NPSUD) to the RPS which was notified on 9 August 2022 to implement the responsive planning requirements of the National Policy Statement for Urban Development 2020.
- 6.241 **Carrus & TTLG:** Reject. Policy KR 7B is derived from desired outcome b linked to Objective 8 of the Kaituna River Document and states: ‘*economic development opportunities for iwi and hapū which respect the cultural associations they have with the Kaituna River; promote greater understanding of those associations; and restore, protect or enhance the well-being of the Kaituna River.*’

- 6.242 While it is acknowledged Objective 8 is wider in scope than just iwi and hapū, it also has three other linked desired outcomes that have a broader focus. Staff recommend leaving the focus of Policy KR 7B on iwi and hapū as it is virtually word for word derived from Objective 8 desired outcome b, and the legislative requirement is for the RPS to recognise and provide for the... desired outcomes of the Kaituna River Document.
- 6.243 To meet its legislative requirements, staff recommend retaining Policy KR 7B unchanged including the linkage to it in Method KR1 'Te Tini a Tuna Kaituna Action Plan'.
- 6.244 **WBOPDC:** Reject. Staff consider that the wording of the policy itself and the first sentence of the explanation make it clear that only one concept is raised: iwi and hapū seek economic development opportunities which respect cultural associations with the Kaituna River, promote greater understanding of those associations and restore, protect or enhance the Kaituna River's well-being.
- 6.245 **HortNZ:** Accept. For clarification, Kaituna River in the context of the RPS includes all rivers and streams flowing into the Kaituna River and Maketū estuary identified in Map 4ab (see 2.12.3 of PC5).
- 6.246 **Federated Farmers:** Reject. Staff appreciate that Policy KR 7B may be a novel approach but consider it to be consistent with the RMA. The Tapuika Treaty Claims Settlement Act 2014 requires the RPS to recognise and provide for the vision, objectives and desired outcomes of the Kaituna River Document. Desired outcome b under Objective 8 of the Kaituna River document seeks development opportunities for iwi and hapū which is recognised and provided for under Policy KR 7B. Employment opportunities are regularly considered an economic benefit associated with proposals under the RMA and are explicitly recognised as relevant to an evaluation under section 32. The provision of employment opportunities allows for people to provide for their social, cultural and economic wellbeing, and their health and safety.

Policy KR 8B Enabling recreational activities

- 6.247 Carrus (submission 3-9) and TTLG (submission 7-9) seek that the explanation refers to increased and future demand for access to the Lower Kaituna River for recreational activities, together with the opportunity provided in the Te Tumu Urban Growth Area for managed access to the river for the wider community. If it is acknowledged, it will be planned for so that this policy can be achieved.
- 6.248 HortNZ (submission 8-16) supports the policy as written, particularly if reference to not compromising ecosystem health is retained; recreational activities should not be prioritised over food producing activities that apply GMPs.
- 6.249 Forest & Bird (submission 14-22) supports the policy as written.
- 6.250 TCC (submission 11-11) requested that drinking water sources is added to the policy.

Staff recommendation:

- 6.251 No change recommended.
- 6.252 **Carrus, TTLG:** Reject. Staff consider that the policy encompasses the lower Kaituna River. The policy requires recreational opportunities along the Kaituna River to be enabled – this includes where it adjoins the Te Tumu Urban Growth Area, whether it is explicitly noted or not.
- 6.253 **TCC:** Reject. Drinking water is already appropriately addressed in Policy KR 2B.

Policy KR 9B Recognising Kaitiakitanga involves use, development and protection

- 6.254 HortNZ (submission 8-17) supports the policy as written.
- 6.255 Federated Farmers (submission 13-12) does not consider use and development of land and water by tangata whenua to be a requirement of kaitiakitanga under the RMA process. Federated Farmers seeks Policy KR 9B is amended to delete the words *‘both the use and development of land and water by tangata whenua’*. Eastland (further submission FS06-41) seeks that this submission point is rejected.
- 6.256 Forest & Bird (submission 14-23) considers the policy to be appropriate to recognise that tangata whenua should exercise their right as kaitiaki of the river, but sustainable use and development is a different concept to sustainable management and fails to capture the natural environment. It is also not clear if sustainable use and development would give effect to Te Mana o te Wai. Forest & Bird recommend the following amendment:
- Recognise kaitiakitanga in the Kaituna River involves both the sustainable use and development of land and water by tangata whenua within the framework of Te Mana o Te Wai and provides for the protection, restoration and enhancement of taonga, waahi tapu, water, sites of significance and other natural and physical resources of importance to tangata whenua.
- 6.257 Eastland (further submission FS06-42) seeks that Forest & Bird’s submission point is rejected.

Staff recommendation:

- 6.258 No change recommended.
- 6.259 **Federated Farmers:** Reject. The NPS-FM principle of kaitiakitanga is ‘the obligation of tangata whenua to preserve, restore, enhance, and sustainably use freshwater for the benefit of present and future generations.’ The Kaituna River Document defines kaitiakitanga as ‘guardianship, stewardship, balancing use and protection of natural resources.’ Policy KR 9B is consistent with this definition and has been supported by iwi members of Te Maru o Kaituna as appropriate at this scale and in this context. Staff consider mana whenua are best placed to express what kaitiakitanga means to them. It is widely recognised that kaitiakitanga is concerned with both sustainability of the environment and the use of its benefits. Traditionally the allocation and distribution of the benefits from resources were kaitiaki responsibilities.

6.260 Operative RPS Policy IW 3B states *‘Exercise the functions and powers of local authorities in a manner that:*

(d) Recognises that tangata whenua, as indigenous peoples, have rights protected by the Treaty and that consequently the Act accords iwi a status distinct from that of interest groups and members of the public; and

(e) Recognises the right of each iwi to define their own preferences for the sustainable management of natural and physical resources, where this is not inconsistent with the Act.’

6.261 Under the RMA the definition of kaitiakitanga means: *‘the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Maori in relation to natural and physical resources; and includes the ethic of stewardship.’*

6.262 **Forest & Bird:** Reject. PC5 does not seek to implement the NPS-FM. Regional Council has a separate EFPP for NPS-FM implementation with RPS and Regional Plan changes scheduled to be notified in July 2024. However, care has been taken to ensure PC5 aligns, and is consistent, with the NPS-FM requirements. The requirement to recognise and provide for the Kaituna River Document continues to apply each time the Regional Council changes the RPS and regional plan(s).

Climate change mitigation policy

6.263 Eastland (submission 2-8) requests a climate change mitigation policy to give weight to activities resulting in reduced CO₂ emissions. Restrictions on local authorities considering climate change mitigation in decisions are removed under the Resource Management Amendment Act 2020. Eastland considers such activities will become increasingly important as government works towards carbon neutrality by 2050. Federated Farmers (further submission FS07-15) opposes Eastland’s submission point; climate change mitigations are more appropriately developed by central government and include consideration of a range of factors that are missing from PC5.

6.264 HortNZ (further submission FS03-7) supports Eastland’s submission point but considers climate change mitigation should also include land use change to lower emissions land uses such as horticulture.

6.265 WBOPDC (further submission FS04-6) opposes Eastland’s submission because a new policy to recognise climate change mitigation is not appropriate to be introduced through the PC5 process and should have gone through a wider regional process.

Staff recommendation:

6.266 No change recommended.

6.267 **Eastland:** Reject. The Kaituna River Document includes one reference to climate change in the key issues on page 13 which reads: *‘Pressure on the Kaituna River due to land use intensification, urban growth and climate change’*. That issue is captured in PC5 as one of the six significant issues affecting the Kaituna River and

its tributaries being 2.12.4.2 'Urban growth, climate change, land use intensification and development', which was amended in response to comments from Forest & Bird. No desired outcomes or objectives are specific to climate change in the Kaituna River document.

- 6.268 In 2019 Regional Council adopted its first Climate Change Action Plan which is the start of a journey towards a low carbon resilient Bay of Plenty. It identifies how Regional Council will reduce its own greenhouse gas emissions while encouraging and supporting emissions reductions within the region. This approach recognises Climate Change is a key priority for Regional Council.
- 6.269 Although the RPS contains climate change policy these are mitigation focused. Policy IR 2B 'Having regard to the likely effects of climate change' is concerned with providing for the effects of sea level increases and predicted increase in rainfall intensity and temperature increases, whereas Policy NH 11B 'Provide for climate change' is concerned with ensuring natural hazard risk assessments incorporate climate change effects. These policies gained a high level of interest and scrutiny through the schedule 1 process as part of the second generation RPS. Given the contentious nature of any climate change and any mitigation policy, it would also be expected to gain a high level of interest, should be region-wide (rather than catchment-focused), and be required to go through a schedule 1 process as part of the RPS review in 2024.

Method KR1 Te Tini a Tuna Kaituna River Action Plan

- 6.270 HNZPT (submission 5-4) supports this method because it will enable the identification, protection, preservation and conservation of New Zealand's historical and cultural heritage.
- 6.271 Federated Farmers (submission 13-13) considers that Policy KR 7B should be deleted, and so the reference to Policy KR 7B in Method KR1 should be deleted.

Staff recommendation:

- 6.272 No change recommended.
- 6.273 **Federated Farmers:** Reject. As discussed under Policy KR 7B, staff appreciate that Policy KR 7B may be a novel approach but consider it to be consistent with the RMA. The Tapuika Treaty Claims Settlement Act 2014 requires the RPS to recognise and provide for the vision, objectives and desired outcomes of the Kaituna River Document. Desired outcome (b) under Objective 8 of the Kaituna River Document seeks development opportunities for iwi and hapū which is recognised and provided for under Policy KR 7B. Employment opportunities are regularly considered an economic benefit associated with proposals under the RMA and are explicitly recognised as relevant to an evaluation under section 32. The provision of employment opportunities allows for people to provide for their social, cultural and economic wellbeing, and their health and safety.

Method KR3 Locations for safe contact recreation

6.274 Eastland (submission 2-7) considers additional commentary is needed: areas should be classified for drinking water, bathing areas, kai awa, kai moana and suitable for cultural ceremonies. Such areas should be widely consulted on and clearly identified, and this should be specified in the method's explanation text. Existing activities on the river require access or structures in their current locations; this should be considered when classifying these areas. Federated Farmers (further submission FS07-16) support in part this submission point; recreational activities are considered sufficient to identify, but any recreational areas should be widely consulted on to ensure that access does not disturb other existing activities on the Kaituna River.

6.275 WBOPDC (submission 4-13) seeks the method is amended to the following, because identifying locations for safe contact recreation in the Kaituna River requires input from all bodies, including the Regional Council through the harbourmaster:

Implementation responsibility: Regional Council, city and district council, Te Maru o Kaituna and iwi authorities.

6.276 The harbourmaster has an active role in removing hazards, promoting safe boating, dealing with conflict between user groups and the administration of the Bay of Plenty Regional Navigation Safety Bylaw 2017.

6.277 AFFCO (submission 6-3) requests the following addition to the method, to ensure mixing zones are lawfully provided for:

Method KR3: Identify locations for safe contact recreation in the Kaituna River

Identify specific locations in the Kaituna River that are used for, or that people would like to use for, contact recreation under Policy KR 2B, with due recognition and preference given to avoiding areas of lawfully established mixing of wastewater with receiving waters.

6.278 Forest & Bird (further submission FS01-2) opposes AFFCO's request, stating that the amendment sought would result in degradation of water.

6.279 TTLG (submission 7-10) supports the wording of Method KR3 as written.

6.280 Forest & Bird (submission 14-24) recommends clarifying who is responsible for making the identified sites safe for contact recreation, as follows:

Implementation responsibility: identification: City and district councils, Te Maru o Kaituna and iwi authorities. Contact recreation: regional and district councils will work together to improve water quality and advise public when contact recreation is not safe.

6.281 WBOPDC (further submission FS04-12) and TCC (further submission FS05-3) oppose in part Forest & Bird's submission point to change implementation responsibility. Whilst the intent is appreciated, the level of detail suggested is unnecessary and inconsistent with other methods. Eastland (further submission FS06-44) seeks that Forest & Bird's submission point is rejected.

Staff recommendation:

- 6.282 Amend Method KR3 by adding Regional Council to the implementation responsibility to read:

Implementation responsibility: ~~Regional Council, City and district councils, Te Maru o Kaituna and iwi authorities.~~

- 6.283 **Eastland:** Reject. Method KR3 directs future identification, which will involve consultation and further work for such identification to be included in a plan. Regional Council has a separate EFPP for NPS-FM implementation with RPS and Regional Plan changes scheduled to be notified in July 2024. Care has been taken to ensure PC5 aligns, and is consistent, with the NPS-FM requirements. The requirement to recognise and provide for the Kaituna River Document continues to apply each time the Regional Council changes the RPS and regional plan(s).
- 6.284 **WBOPDC:** Accept. Staff discussed this submission point with members of the Regional Council's Maritime team, who agreed the Harbourmaster has a role in identifying locations for safe contact recreation in the Kaituna River.
- 6.285 **AFFCO:** Reject. A lawfully established discharge mixing zone is a matter that is likely to be considered but it is not appropriate to highlight this as a preference over other relevant considerations.
- 6.286 **Forest & Bird:** Reject. Staff acknowledge WBOPDC and TCCs' further submissions that the level of detail is unnecessary and inconsistent with the existing style and format for other RPS methods. The Recreational Water Quality Monitoring Programme follows national guidance provided by the Microbiological Water Quality Guidelines for Marine and Freshwater Recreational Areas (MfE & MoH, 2003). The programme addresses the microbiological quality of water bodies and associated health risks to water users, and the responsibilities of the various parties (including the Regional Council, district/city councils and Toi Te Ora) and the requirement to advise the public when contact recreation is not safe.

Method KR4 Identify and map sites of cultural significance in the Kaituna River

- 6.287 HNZPT (submission 5-5) supports this method because provision of this information to regional, city and district councils would enable a particularly useful longer-term outcome, which would be the inclusion of these sites into schedules of district/unitary plans as Sites and Areas of Significance to Māori.

Method KR5 Provide information on integrating kaitiakitanga and rangatiratanga into land use management

- 6.288 HNZPT (submission 5-6), HortNZ (submission 8-18) and Forest & Bird (submission 14-25) support this method as written.
- 6.289 WBOPDC (submission 4-14) supports the method but recommends the following amendment to make it clear that iwi authorities are responsible for implementation. Councils are not the owners or holders of this knowledge:

Implementation responsibility: ~~Regional council, city and district councils and~~ iwi authorities.

- 6.290 Taheke 8C (submission 9-17, 9-45, 9-46, 9-47, 9-48, 9-49, 9-50) does not consider it appropriate for any council to define, combine or integrate tikanga concepts (kaitiaki and Rangatiratanga).

Staff recommendation:

- 6.291 Amend Method KR5 by deleting 'Regional Council, city and district councils from the implementation responsibility to read:

Implementation responsibility: ~~Regional Council, City and district councils, Te Maru o Kaituna and~~ iwi authorities.

- 6.292 **WBOPDC:** Accept. Staff agree that the method relates only to providing this information, which sits with iwi/hapū authorities.
- 6.293 **Taheke 8C:** Accept. Staff agree that the method relates only to providing this information, which sits with iwi/hapū authorities. The method is not intended to redefine or evaluate kaitiakitanga and rangatiratanga.

Method KR6 Employment opportunities for tangata whenua

- 6.294 Eastland (submission 2-5) supports this method as written. Federated Farmers (further submission FS07-18) opposes Eastland's submission point and considers that promotion of employment opportunities falls outside the scope of the RMA.
- 6.295 Federated Farmers (submission 13-14) is happy for tangata whenua employment to be a by-product of PC5, but it is incorrect for it to be an RPS requirement. Federated Farmers seeks Method KR6 be deleted. Eastland (further submission FS06-47) seeks that Federated Farmers' submission point is rejected.
- 6.296 WBOPDC (submission 4-15) opposes this method and requests it is either deleted or amended to:

Promote employment opportunities for tangata whenua through projects in the Kaituna River including providing:

- (a) Pest and silviculture management services
- (b) Fencing services
- ~~(c) Council reserves maintenance;~~ and
- (d) Environmental monitoring.

Implementation responsibility: Regional Council, ~~city and, district councils,~~ Te Maru o Kaituna and iwi authorities.

- 6.297 WBOPDC does not disagree with the method's intent but considers the RPS to be the wrong tool – Council's procurement decisions are not an RMA issue. WBOPDC does not consider the RPS, as an RMA document, to be the correct place for this method, and are unaware of similar provisions being used elsewhere. Delivering on

the intent of the method would be better achieved through individual councils' procurement strategies and decisions to give effect to the Kaituna River Document, through other processes (e.g. long term plans, annual plans, procurement approaches).

- 6.298 TCC (further submission FS05-1) supports in part WBOPDC's submission point that Council's procurement decisions are not an RMA issue and that this would be better achieved through individual councils' procurement strategies and decisions.

Staff recommendation:

- 6.299 No change recommended.
- 6.300 **Federated Farmers, WBOPDC:** Staff appreciate that Method KR6 may be a novel approach but consider it to be consistent with the RMA. The Tapuika Treaty Claims Settlement Act 2014 requires the RPS to recognise and provide for the vision, objectives, and desired outcomes of the Kaituna River Document. Desired outcome (b) under Objective 8 of the Kaituna River document seeks development opportunities for iwi and hapū, which is recognised and provided for under Policy KR 7B. Method KR6 seeks to implement Policy KR 7B at a more specific level. Employment opportunities are regularly considered an economic benefit associated with proposals under the RMA and are explicitly recognised as relevant to an evaluation under section 32. The provision of employment opportunities allows for people to provide for their social, cultural and economic wellbeing, and their health and safety.
- 6.301 Method KR6 seeks to address previous tangata whenua criticism about Regional Council contracts for land management related activities on Māori land blocks being undertaken by companies outside the rohe. Tangata whenua were concerned they had locals with the right knowledge and experience and needed employment but contractors from outside the region were given the work instead.

Method 23J Develop strategies for managing wastewater and stormwater in the Rangitāiki River Catchment and Kaituna River

- 6.302 AFFCO (submission 6-6) seeks the addition of 'commercial and industrial users' to Method 23J to ensure that any strategies are practicable and to allow for future transparency for all those affected:

In liaison with tangata whenua, [commercial and industrial users](#), and local communities, develop and implement strategies for the alternative treatment and disposal of wastewater and stormwater in the Rangitāiki River Catchment and Kaituna River.

- 6.303 Federated Farmers (further submission FS017-17) support AFFCO's submission point.

Staff recommendation:

- 6.304 Amend Method 23J to include 'commercial and industrial users' in addition to tangata whenua and local communities to read:

In liaison with tangata whenua, and local communities, industrial and commercial users, develop and implement strategies for the alternative treatment and disposal of wastewater and stormwater in the Rangitāiki River Catchment and Kaituna River.

- 6.305 **AFFCO:** Accept. Method 23J is derived from the Rangitāiki River Change 3 to the RPS, which became a part of the operative RPS on 9 October 2018. The method was widened in scope to include the Kaituna River under Draft PC5 because it contributes actions that implement proposed Kaituna River policies. In the Kaituna River catchment there are likely to be a number of existing and future commercial and industrial users of producers of wastewater and stormwater who should be provided opportunity to be involved in developing and implementing any such strategies.

Add 'catchment' to Methods 23J, 23N, 23S and 23T

- 6.306 Forest & Bird (submission 14-27, 14-28) support in part the above methods but suggests amending the wording to clarify they apply to the entire Kaituna River catchment, for example by adding 'catchment' to Method 23J:

In liaison with tangata whenua and local communities develop and implement strategies for the alternative treatment and disposal of wastewater and stormwater in the Rangitāiki River catchment and Kaituna River catchment.

- 6.307 Eastland (further submission FS06-48, FS06-51, FS06-54) seeks that Forest & Bird's submission point is rejected.

Staff recommendation:

- 6.308 No change recommended.
- 6.309 **Forest & Bird:** Reject. Adding 'catchment' after 'Kaituna River' in these methods is unnecessary because of the following statement in the introductory section 2.12.3 of PC5:

In the context of this Policy Statement references to the Kaituna River includes all rivers and streams flowing into the Kaituna River and Maketū estuary identified in Map 4ab.

Method 23S Structures impeding cultural and recreational access

- 6.310 Eastland (submission 2-6) opposes the inclusion of reference to the river in this method and seeks that it is removed because this method should not apply to the river due to lack of structures on the river. Eastland (submission 2-6) considers the method is only appropriate in the Rangitāiki River context, where there are three hydro electricity generation schemes. If reference to the Kaituna River is to remain, Eastland requests the words 'where appropriate' should precede Kaituna River, which would acknowledge that cultural and recreational access needs to be integrated with the importance of some structures for current activities occurring at the river.

- 6.311 Taheke 8C (submission 9-30, 9-31, 9-32, 9-33, 9-34, 9-35, 9-36) consider it inappropriate to group cultural access with recreational access and seek that recreation matters are removed from PC5 (submission 9-30, 9-31, 9-32, 9-33, 9-34, 9-35, 9-36) because recreation will be given higher effect than other matters where there is conflict. Taheke 8C (submission 9-23, 9-24, 9-25, 9-26, 9-28, 9-29) should not be forced to remove structures, such as logs, from the Okere River to enable kayakers and others to traverse inherently dangerous parts of the river. Māori landowners should not be forced to pay for removal of lawfully approved structures from the Okere River.
- 6.312 Eastland (further submission FS06-49, FS06-50) supports Taheke 8C's submission.

Staff recommendation:

- 6.313 No change recommended.
- 6.314 **Eastland:** Reject. The Kaituna River is not completely free of structures and there does not appear to be a persuasive rationale for a different approach in the Rangitāiki and Kaituna catchments. Method 23S complements Project 11 (Kaituna River Access) of the Kaituna River Action Plan which involves:
1. mapping current and historical river access
 2. mapping community aspirations for river access including types of access; and
 3. progressive enhancement of priority river access areas.
- 6.315 The focus of Method 23S is man-made structures in the catchment where their removal or modification would have benefits in improving access for cultural or recreational activities. "Where appropriate" at the beginning of the method recognises that a case-by-case assessment would be required, and any structures with existing use rights (a current consent or permitted activity status under the relevant regional plan) would fall outside this method. Policies MN 5B and MN 6B provide guidance on when to encourage and/or restrict public access.
- 6.316 **Taheke 8C:** Reject. Grouping cultural access with recreational access is considered appropriate because both relate to access to the river. Taheke 8C would not be required to remove logs from the river to enable access, because they are not considered 'structures' under the RMA.

Method 23T Retain and enhance public and cultural access to and along rivers in... Kaituna River

- 6.317 WBOPDC (submission 4-18) recommend adding 'and streams' to Method 23T because access to the tributaries in the catchments is important recreationally and culturally. The RPS should explicitly state that this method applies to all tributaries in the catchment, and not just those considered as rivers. WBOPDC recommends the following additions:

Method 23T: Retain and enhance public and cultural access to and along rivers and streams in the Rangitāiki River Catchment and Kaituna River

Retain and enhance safe public and cultural access to and along rivers and streams in the Rangitāiki River Catchment and Kaituna River by:

...

(c) Subject to (b) provide and maintain safe and identifiable public access points along the margin of the rivers and streams in the Rangitāiki River Catchment and Kaituna River.

...

(f) Working with communities, landowners and industries to consider opportunities to create appropriate access, including vehicle, walking, bicycle and waka access to the rivers and streams.

- 6.318 TTLG (submission 7-11) supports the wording of Method 23T as written.
- 6.319 Taheke 8C (submission 9-23, 9-24, 9-25, 9-26, 9-27, 9-28, 9-29) noted that landowners retain the right to exclude access across their land and will not be subject to any requirements that place them in breach of the Health & Safety Act 2015.

Staff recommendation:

- 6.320 No change recommended.
- 6.321 **WBOPDC:** Reject. Method 23T is derived from the Rangitāiki River Change 3 to the RPS, which became a part of the operative RPS on 9 October 2018. The method was included in Draft PC5 and widened in scope to apply to the Kaituna River because it contributes actions that implement proposed Kaituna River policies. ‘*And streams*’ is unnecessary because of the following statement in the introductory section 2.12.3 of PC5:

In the context of this Policy Statement references to the Kaituna River includes all rivers and streams flowing into the Kaituna River and Maketū estuary identified in Map 4ab.

- 6.322 **Taheke 8C:** Reject. Staff acknowledge there is tension between RMA provisions promoting maintenance and enhancement of public access to and along rivers, and health and safety requirements. Public access across private land cannot proceed without landowner approval. In addition, Policy KR 8B recognises the importance of safety: ‘*Provide recreational opportunities along the Kaituna River that do not compromise public safety...*’.

Method 48 Pūkenga and hearing committees

- 6.323 Taheke 8C (submission 9-55) request that pūkenga considered for appointment to hearing committees should be required to complete accreditation training.

Staff recommendation:

- 6.324 No change recommended.

- 6.325 **Taheke 8C:** Accept in part. Regional Council accepts that appropriate qualifications are a necessity for any hearing committee member; this is provided for in Method 48, which has been linked to new proposed Objective 46 and Policies KR 7B, KR 8B, IW 7D.
- 6.326 Existing operative Method 48 states: *‘Consider appointing pūkenga (people recognised by tangata whenua as having expertise in tikanga Māori) with appropriate hearing commissioner qualifications to hearing committees whenever matters of water, air, land or geothermal resource management significance to tangata whenua are being considered.’*
- 6.327 Any independent hearing commissioners (i.e. non-elected members) are required to complete the Making Good Decisions course as a pre-requisite. Although Regional Council can appoint anyone to be an independent commissioner, typically those appointed will have relevant skills and experience for the issues being decided. Two independent commissioners with expertise in Māori culture were appointed to sit on the Change 3 (Rangitāiki River) to the RPS. This was the first Treaty Co-Governance RPS change.
- 6.328 Furthermore, PC5 must follow the new RMA Freshwater Planning Process which requires under s59(7) of Schedule 1 to the RMA that:
- A freshwater hearings panel member must be accredited under section 39A unless the Chief Freshwater Commissioner is satisfied there are special circumstances in relation to the freshwater hearings panel to which the commissioner is appointed.*
- 6.329 No changes to Method 48 are recommended. Method 48 is an existing operative method linked to the new Kaituna River provisions to contribute to achieving objective 46.

Methods 64 and 65 Protecting key sites and establishing reserves

- 6.330 Taheke 8C (submission 9-51, 9-52, 9-53, 9-54) commented on existing operative Methods 64 and 65 proposed to be linked to new proposed Policy KR 6B and Objective 45. Taheke 8C is concerned that landowners should not be burdened with financial costs of protecting key sites or establishing reserves and that Māori land should be excluded from consideration for establishing reserves.

Staff recommendation:

- 6.331 No change recommended.
- 6.332 **Taheke 8C:** Reject. Both Methods 64 and 65 have been part of the operative RPS since 2014, and while they do apply to Māori land, any proposal to establish a reserve or protect a key site relies on the cooperation, buy-in and involvement of the landowners. This is clearly reflected in the wording of both methods: ‘encourage, promote, advocate and work with’. No changes to Methods 64 or 65 are recommended as these are existing operative methods linked to the new Kaituna River provisions to contribute to achieving the relevant objectives.

Additional method

6.333 TCC (submission 11-2) requests the following new method:

Method KR -: Source water risk management plans

Implement Policy KR 2B through Source Water Risk Management Plans required under the Water Services Act.

Implementation responsibility: Regional Council, city and district councils, Te Maru o Kaituna and iwi authorities.

6.334 WBOPDC (further submission FS04-13) supports in part TCC's submission point because as a drinking water supplier, WBOPDC may be impacted by such a change, although the benefits of repeating a legislative requirement in the RPS are not clear.

Staff recommendation:

6.335 No change recommended.

6.336 **TCC:** Reject. Staff do not consider it warranted or necessary to repeat a legislative requirement for the Water Services Act in the RPS. These requirements will need to be complied with regardless and including them in the RPS will not alter that outcome.

Table 5: Objective 42 AER & monitoring indicators

6.337 Forest & Bird (submission 14-33) supports the objective's AERs in part but considers the objective should be amended to capture the hierarchy of obligations in Te Mana o te Wai, by reordering the matters set out and adding to the objective as needed.

6.338 Eastland (further submission FS06-55) objects to Forest & Bird's submission point.

Staff recommendation:

6.339 No change recommended.

6.340 **Forest & Bird:** Reject. Staff consider the AERs for Objective 42 align with Objectives 1 and 7 of the Kaituna River Document. Detailed changes to PC5 to give full effect to the NPS-FM are outside the scope of this change, the purpose of which is to implement the Kaituna River Document. Regional Council has a separate EFPP for NPS-FM implementation with RPS and Regional Plan changes scheduled to be notified in July 2024. Care has been taken to ensure PC5 aligns, and is consistent, with the NPS-FM requirements. The requirement to recognise and provide for the Kaituna River Document continues to apply each time the Regional Council changes the RPS and regional plan(s).

Table 5: Objective 44 Monitoring indicator

6.341 Forest & Bird (submission 14-35) supports the objective's monitoring indicator as written.

- 6.342 WBOPDC (submission 4-20) seeks to amend the text to clarify and enable effective monitoring using indicators that reflect the objective more explicitly. The Land Use Capability Classification is primarily a tool to consider long-term sustained agricultural production; it does not include consideration of industrial, commercial, or residential land uses. Sufficient consideration of sub-regional plans (such as Smart Growth) would provide a more rounded picture of suitable development in the Kaituna catchment. WBOPDC recommends a monitoring indicator that considers farm management plans, to link it directly to the existing explanation for Policy KR 5B and Project 5 in Te Tini a Tuna:

Existing use and new land development aligns with that land's land use capability classification and with regional or sub-regional spatial planning.

Compliance monitoring of consented activities shows no contravention of earthwork related conditions.

Percentage of farms and orchards with an approved farm management plan in place.

- 6.343 HortNZ (further submission FS03-14) oppose WBOPDC's submission point in part, stating that it does not align with the terminology in the proposed plan (farm environment plan) or Part 9A of the RMA (freshwater farm plan). This makes it unclear what an 'approved farm management plan' is in this context. It does not clearly link to a method in the plan.
- 6.344 TCC (further submission FS05-3) supports in part submission point 4-20; TCC supports the use of better tools for land use regional and sub-regional spatial planning.

Staff recommendation:

- 6.345 Amend Objective 44 monitoring indicators by amending the first monitoring indicator to provide for regional and sub-regional spatial plans and insert an additional monitoring indicator to provide for freshwater farm plans to read:

Existing use and new land development aligns with that land's land use capability classification and with regional or sub-regional spatial plans.

Percentage of rural production units with an approved farm environment plan.

- 6.346 **WBOPDC:** Accept in part. The suggested monitoring indicators will assist with measuring the extent to which the policies and methods are achieving Objective 44. Although spatial plans are not currently mandatory there is a high degree of certainty these will be a requirement under the Spatial Planning Act. Despite uncertainties with resource management reform processes, joint spatial planning is already progressing across the region and have existed for well over a decade in the western Bay of Plenty sub-region through SmartGrowth. Existing SmartGrowth spatial planning already encompasses the lower reaches of the Kaituna River catchment area.
- 6.347 **WBOPDC:** Accept in part. Farm environment plans provide farmers and horticulturalists with practical means of meeting the freshwater outcomes of PC5

and the NPS-FM, and aligns with RPS Policies KR 5B, WL 1B and WL 8B which are directly linked to Objective 44.

- 6.348 **HortNZ:** Accept in part. Various terminology is used for farm plans: the NPS-FM and PC5 use 'farm environment plan'. The RMA and Ministry for the Environment use 'freshwater farm plan'. Other terms used are 'farm plan' and 'farm management plan'. The Kaituna River Document does not use any of these terms. Given these inconsistencies, staff recommend no change to the term 'farm environment plan' used in PC5.

Table 5: Objective 45 AERs for mid-upper catchment

- 6.349 Forest & Bird (submission 14-36) supports Objective 45 AERs as written.
- 6.350 WBOPDC (submission 4-21) requests an additional AER and monitoring indicator linked to protection of high-quality aquatic ecosystems in the upper and mid catchment.
- 6.351 WBOPDC is concerned that the upper and mid catchment are somewhat missing in this document, with only one mention of the upper catchment (and then only about rafting/kayaking). Policy MN 2B sets the policy framework for giving particular consideration to protecting significant indigenous habitats and ecosystems, but an indicator to demonstrate how this is working for the Kaituna is necessary. The following amendments are requested:

Anticipated environmental results (AER): Healthy aquatic ecosystems, habitats and biological communities are protected or increased.

Monitoring indicator: An observed maintaining or increase in the health of natural communities and habitats of indigenous flora, fauna and ecosystems in the Upper and Mid Kaituna River and their riparian margins and wetlands.

- 6.352 Eastland (further submission FS06-57) seeks that the WBOPDC's submission point is rejected.

Staff recommendation:

- 6.353 No change recommended.
- 6.354 **WBOPDC:** Reject. Staff consider there is no need to differentiate between the lower, mid and upper catchments. The AERs and monitoring indicators refer to Kaituna River, which includes all rivers and streams flowing into the Kaituna River and Maketū estuary identified in Map 4ab.

Appendix A: Definition of Kaituna River

- 6.355 WBOPDC (submission 4-22) recommends the definition of Kaituna River is reworded to better reflect the Tapuika Claims Settlement Act 2014, in which the definition is:

Kaituna River or river means the Kaituna River, including its tributaries within the catchment areas shown on deed plan OTS-209-79. The co-governance area identified in Map 4b (source Office Treaty Settlements OTS-209-79) and includes all rivers and streams flowing into the Kaituna River and Maketu Estuary.

- 6.356 Eastland (further submission FS06-58) seeks that WBOPDC's submission point is rejected.

Staff recommendation:

- 6.357 No change recommended.
- 6.358 **WBOPDC:** Reject. Staff do not consider there to be any material differences between the Tapuika Claims Settlement Act 2014 definition and the PC5 definition. The PC5 definition is considered more relevant to the RPS because it refers to Map 4b and provides the full wording of the acronym OTS (which many will not know if taken out of context).

Appendix A: Definition of riparian margin

- 6.359 Forest & Bird (submission 14-38) opposes the definition of riparian margins and seek it be amended to apply to artificial watercourses. Artificial water courses can be a significant source of contaminants. Excluding artificial water courses is inappropriate and inconsistent with the NPS-FM. Including artificial watercourses allows Council to manage effects of riparian zones on artificial watercourse water quality and any downstream environments.
- 6.360 WBOPDC (further submission FS04-14) opposes Forest & Bird's submission point; the submitter's proposed changes extend the definition much wider than before, with consequential impacts wider than the Kaituna area. This definition is best determined through a regional NPS-FM approach or through national direction.
- 6.361 Rivers & Drainage (further submission FS02-2) also oppose Forest & Bird's submission point, stating that the inclusion of "artificial watercourse" has significant potential implications that may not be fully understood by the landowners whose land contains artificial watercourses; additionally, those landowners would not have had the opportunity to submit on this proposed change if accepted. This would be a significant policy shift likely to have significant implications for drainage scheme management and private landowners in other areas across the Bay of Plenty. Rivers & Drainage acknowledge the importance of managing and improving drain water quality.

Staff recommendation:

- 6.362 No change recommended.
- 6.363 **Forest & Bird:** Reject. The definition was included to provide certainty about which areas are covered by Policy KR 6B and associated monitoring indicators linked to Objective 45. The proposed definition for '*riparian areas or margins*' is consistent with the definition in the operative Regional Coastal Environment Plan 2019 (RCEP).

6.364 The definition of ‘*Riparian area or riparian margin*’ in the RNRP is generally consistent with the RCEP definition, except that it explicitly excludes artificial watercourses. The RNRP definition is:

“A strip of land of varying width adjacent to the bed of a stream, river, lake or wetland, which contributes or may contribute to the maintenance and enhancement of the natural functioning, quality and character of the stream, river, lake or wetland; and the natural character of the margins of streams, rivers, lakes and wetlands. For the purposes of this regional plan, the definition does not include land adjacent to artificial watercourses and ephemeral flowpaths.”

6.365 The NPS-FM and RMA do not include a definition of riparian margin. The NPS-FM definition of “river” is the same as the RMA definition: “a continually or intermittently flowing body of fresh water; and includes a stream and modified watercourse; but does not include any artificial watercourse”.

6.366 The National Planning Standards Definitions do not include a definition of riparian margin.

6.367 A review of definitions from other policy statements and plans reveals that:

- The Auckland Unitary Plan definition for ‘*Riparian margin*’ is: ‘*An area of land immediately adjacent to a permanent or intermittent river or stream.*’
- The Waikato Regional Policy Statement definition for ‘*Riparian areas*’ is: ‘*The strip of land adjacent to a water body and which contributes, or may contribute, to the maintenance and enhancement of the natural functioning, quality and character of the water body.*’
- The Proposed Southland Water and Land Plan 2018 definition for ‘*Riparian area/margins*’ is: ‘*Land situated along the bank of a lake, river, wetland or other water body.*’

6.368 The aim of Policy KR 6B is to protect, restore and enhance indigenous aquatic, riparian and wetland vegetation and habitats within the Kaituna River and its riparian margins. Forest & Bird is concerned that excluding artificial watercourses from the definition of riparian margin removes the ability to manage effects of activities on their water quality and the subsequent downstream effects. Staff do not consider the PC5 definition explicitly excludes artificial waterways. The key focus for the application of Policy KR 6B will be whether the relevant strip of land “contributes or may contribute to the maintenance and enhancement of the natural functioning, quality and character of the waterway and its margins”. This will allow for a more fact-specific assessment that takes into account the extent to which a watercourse is functioning naturally.

7 Consequential/minor amendments

Proposed Change 6 (NPS-UD) to the RPS

7.1 On 9 August 2022, Regional Council notified Proposed Change 6 (NPS-UD) to the RPS (PC6) to implement the requirements of the National Policy Statement on

Urban Development 2020 (NPS-UD). Part of those changes involves removing Appendices C, D and E, which include the urban limits and urban growth areas, to give effect to the NPS-UD responsive planning requirements. Consequently, staff recommend removing reference to Appendix E and urban growth areas in PC5 Policy KR 4B explanation text. Staff also recommend deleting 'out to 2051' in the explanation text for Policy KR 7B, as this date is specifically provided for in Appendices C and D and will be removed by PC6.

Note to reader section

- 7.2 Amendments were also made to the 'Note to Reader (not part of Change)' page i to better articulate the intent around ensuring PC5 is consistent with the NPS-FM requirements. The amendments proposed read:

What this Change does not do

Proposed Change 5 seeks to fulfil Regional Council's responsibilities under the Tapuika Claims Settlement Act 2014 which requires it to recognise and provide for the vision, objectives and desired outcomes of Kaituna He Taonga Tuku Iho – A Treasure Handed Down (the Kaituna River Document) in the RPS. As such, Proposed Change 5 ~~does not seek to~~ is not intended to implement the National Policy Statement for Freshwater Management 2020 (NPS-FM). The Regional Council has a specific and overarching programme for NPS-FM implementation. However, care has been taken to ensure Proposed Change 5 aligns with and is consistent with the NPSFM requirements. The requirement to recognise and provide for the Kaituna River Document continues to apply each time the Regional Council changes the RPS and regional plan(s).

8 Conclusion and recommendations

- 8.1 This report was prepared pursuant to s42A of the RMA to address the planning-related issues associated with PC5. PC5 seeks to fulfil Regional Council's responsibilities under the Tapuika Claims Settlement Act 2014, which requires it to recognise and provide for the vision, objectives and desired outcomes of the Kaituna River Document. PC5 recognises and provides for the Kaituna River Document and gives effect to the overarching directions in the NPS-FM and other applicable national direction, including the NPS-UD as reconciled with the NPS-FM and taking into account the range of other policies in the RPS and PC6. PC5 is the most appropriate way to achieve the purpose of the Act.
- 8.2 The recommended amendments to PC5 result from acceptance of some submissions, together with minor amendments to improve the clarity of the provisions. I recommend that the Freshwater Hearing Panel:
- 2 Receives the reports:
 - a) Proposed Change 5 (Kaituna River) to the Bay of Plenty Regional Policy Statement – Overview Report on Submissions.
 - b) Proposed Change 5 (Kaituna River) to the Bay of Plenty Regional Policy Statement Summary of Submissions and Further Submissions with Staff Recommendations.

- c) Redline Amendment Version 5.0 of Proposed Change 5 (Kaituna River) to the Bay of Plenty Regional Policy Statement attached to this report.
 - d) Proposed Change 5 (Kaituna River) to the Bay of Plenty Regional Policy Statement: Section 32AA evaluation of changes.
- 3 Hears submitters and makes decisions in accordance with the Freshwater Planning Process to the RMA on all submissions and further submissions received to PC5.
 - 4 Recommends its decisions in (2) above to the Regional Council for approval.

Late submission

- 8.3 Te Maru o Kaituna River Authority's submission was received 13 August 2021, three working days after the close of submissions. I recommend the late submission is received and considered.



Lucy Holden
Senior Planner

for Manager Policy and Planning

Appendix 1: List of submitters

Original submitters

1. Department of Conservation
2. Eastland Generation Limited
3. Carrus Corporation Limited
4. Western Bay of Plenty District Council
5. Heritage New Zealand Pouhere Taonga
6. AFFCO New Zealand Limited, Rangiuru Plant
7. Te Tumu Landowners Group
8. Horticulture New Zealand
9. The Proprietors of Taheke 8C & Adjoining Blocks Incorporation
10. Z Energy Limited & BP Oil New Zealand Limited
11. Tauranga City Council
12. Te Arawa Lakes Trust
13. Bay of Plenty Federated Farmers and Rotorua/Taupō Federated Farmers
14. Royal Forest and Bird Protection Society of New Zealand (Forest & Bird)
15. Te Maru o Kaituna River Authority

Further submitters

1. Royal Forest and Bird Protection Society of New Zealand (Forest & Bird)
2. Bay of Plenty Regional Council – Rivers and Drainage
3. Horticulture New Zealand
4. Western Bay of Plenty District Council
5. Tauranga City Council
6. Eastland Generation Limited
7. Bay of Plenty Federated Farmers and Rotorua/Taupō Federated Farmers
8. The Proprietors of Taheke 8C & Adjoining Blocks Incorporation